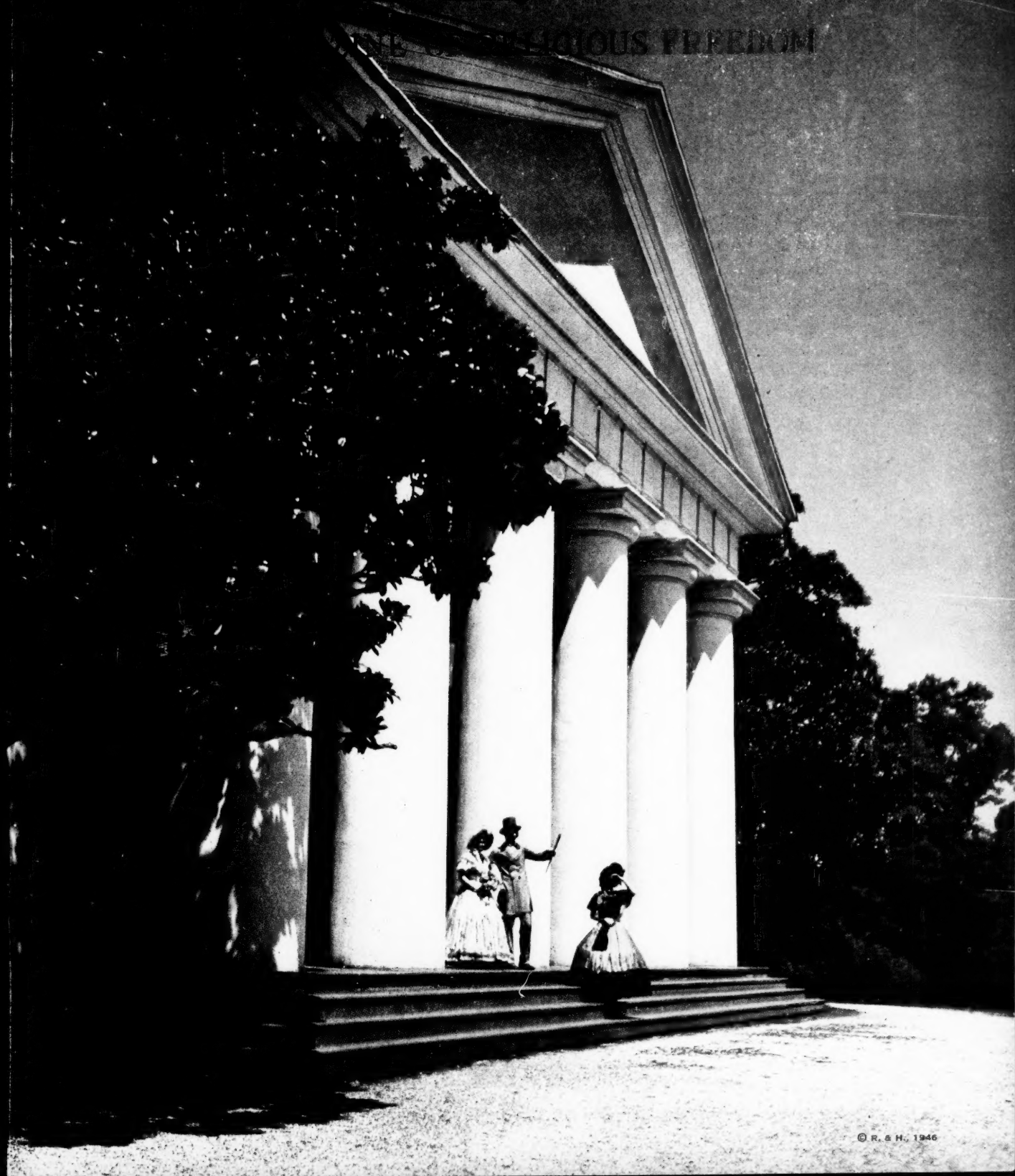


# LIBERTY

RELIGIOUS FREEDOM





# **DECLARATION of Principles**

## **RELIGIOUS LIBERTY ASSOCIATION**

**WE BELIEVE** in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.

**WE BELIEVE** that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

**WE BELIEVE** that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.

**WE BELIEVE** in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.

**WE BELIEVE** it is the right and should be the privilege of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.

**WE BELIEVE** that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.

**WE BELIEVE**, therefore, that it is not within the province of civil government to legislate on religious questions.

**WE BELIEVE** it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.

**WE BELIEVE** in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.

**WE BELIEVE** in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

*Religious Liberty Association, 6840 Eastern Avenue,  
Takoma Park, Washington 12, D.C.*



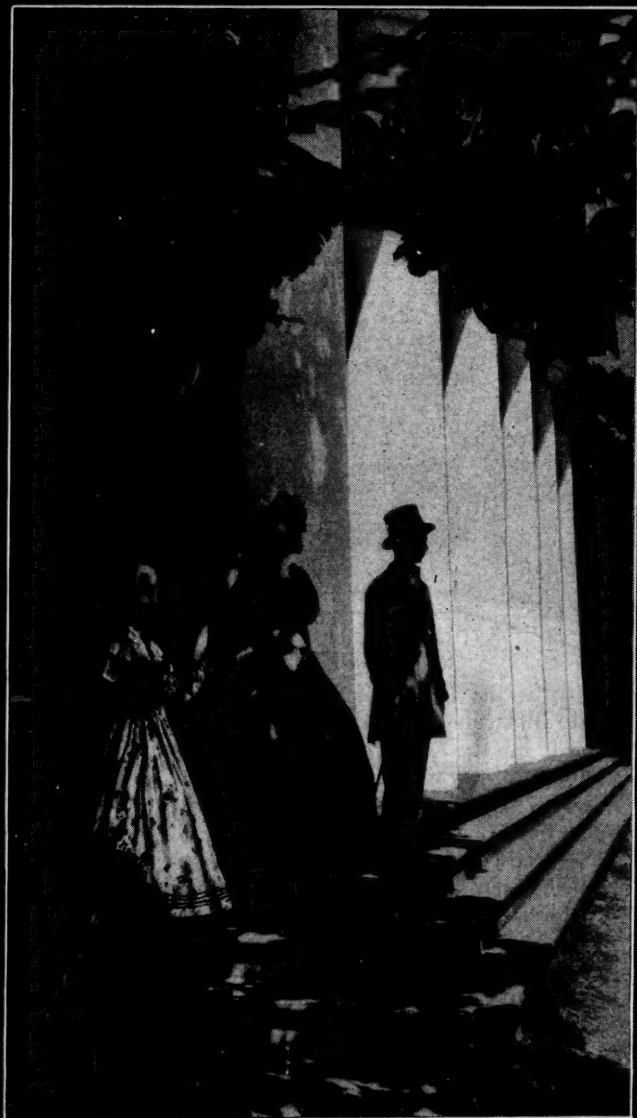




# In This Issue

Vol. 41—No. 4  
Fourth Quarter  
1946

From the Portico of the Lee Mansion on the Virginia Side of the Potomac One Can Get a Wonderful View of the City of Washington, With the Capitol, Washington Monument, and Lincoln Memorial Standing Out in Bold Relief



HEBER H. VOTAW—EDITOR

Associate Editors—C. S. Longacre, F. D. Nichol

Office Editor—Merwin R. Thurber

## COVER

The Lee Mansion in Arlington National Cemetery  
Color Photo by S. M. Harlan

## ARTICLES

Examining the Doctrine of Religious Liberty .....	5
The Christian Church and Secular Government .....	7
Released Time and the American Way of Life .....	9
When the Church Approached the State .....	12
A Provocative Picture and a Possible Practical Program .....	16
Union of Church and State Produces Intolerance .....	20
On Prejudice .....	22
Should Liberals Oppose Released Time for Religious Education? .....	24
Tennessee Plans to Revise Her Constitution .....	25
Old Arlington House on the Potomac .....	26

## EDITORIALS

School Lunches—A "Liberating" Restraint?—Civil Penalties for Religious Offenses—Enforced Sabbath "Observance"—Unity Not Always Best Policy—Can a Policeman Enforce the Law of God?—A Misapplication of the Girouard Case .....	29
--	----

## NEWS and COMMENT

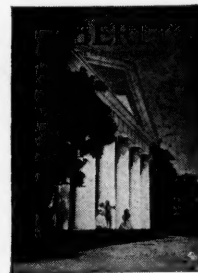
Adopting Soviet Methods—Rights and Duties—The Church and Political Philosophy—Cradle of Liberty—Religious Liberty and the Near East .....	34
---	----

## Our Cover Picture

We are pleased to present on our cover this quarter a diagonal view of the main facade of the Lee mansion, located in Arlington National Cemetery, on the Virginia heights overlooking the city of Washington. The grand portico, with its massive Doric columns, is modeled after the Temple of Theseus at Athens.

This historic house is rich in its association with the distinctive families of Custis, Washington, and Lee. The mansion is surrounded by stately trees, clumps of evergreens, and colorful flowers and shrubs. These all lend their enchantment to make the picture a very pleasing one to the more than half a million people who visit this national shrine each year. Through its halls have echoed the tones of many a bugler's horn as he has sounded taps for his fallen comrades.

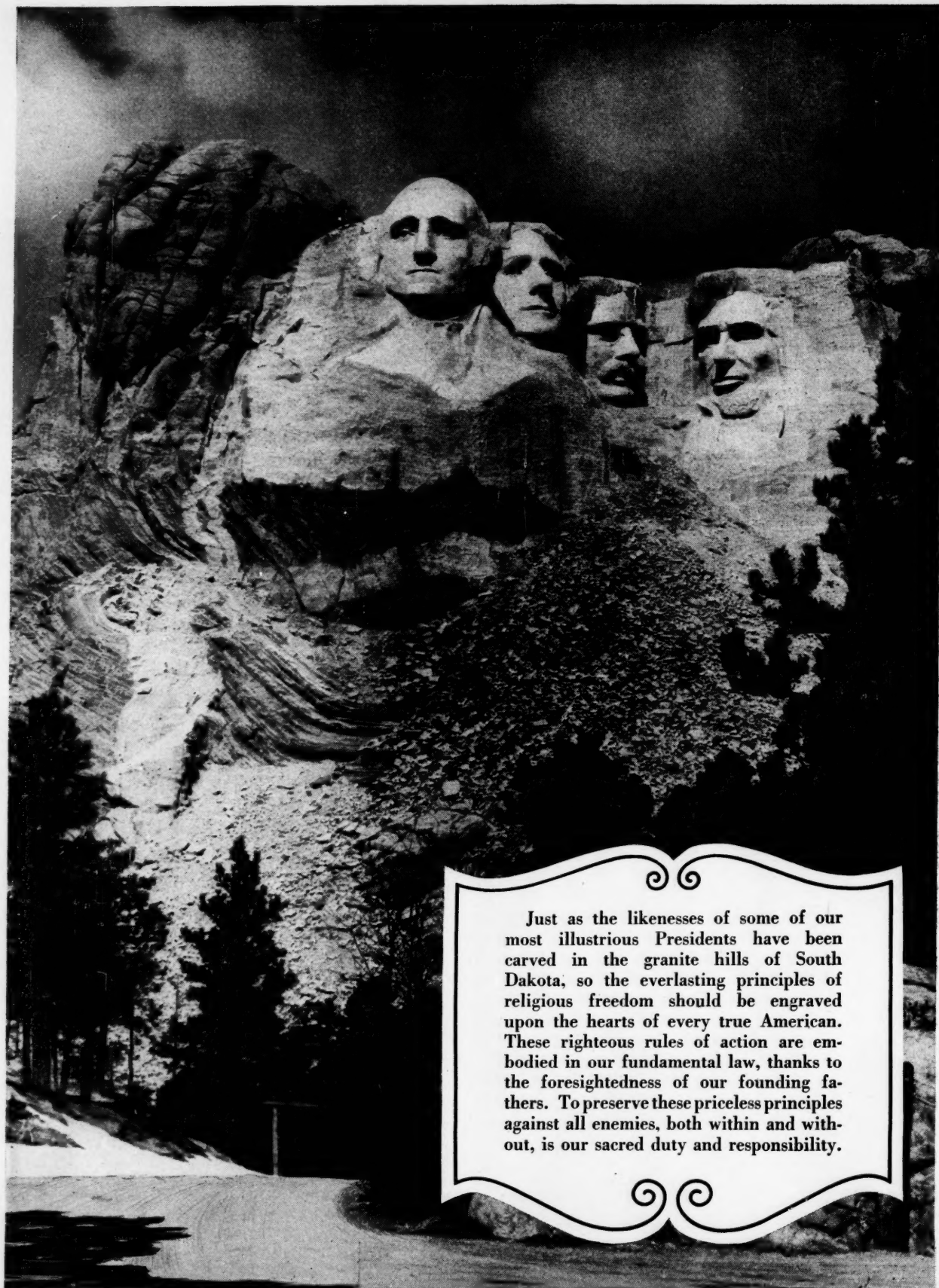
The costumed figures, which add historical atmosphere to the scene, are members of our art department staff. This national memorial is under the jurisdiction of the Department of the Interior and is administered by the National Park Service through the office of National Capital Parks.



COPYRIGHT—The entire contents of this issue (Fourth Quarter, 1946) are copyrighted by the Review and Herald Publishing Association.

LIBERTY is the successor of the AMERICAN SENTINEL, whose first number was published in 1886, at Oakland, California. Its name was changed in 1906 to LIBERTY, under which name it has been published quarterly, by the Review and Herald Publishing Association, Takoma Park, Washington 12, D.C. Entered as second-class matter, May 1, 1906, at the post office at Washington, D.C., under the Act of Congress of March 3, 1879. Subscription rates—one year, 60 cents; club of three subscriptions to separate addresses, \$1; five or more copies mailed by publishers to five addresses or to one address, postpaid, each 9 cents. No subscription accepted for less than one year. Remit by post office money order (payable at Washington, D.C., Post Office), express order, or draft on New York. Cash should be sent in registered letter. When a change of address is desired, both old and new addresses must be given.

PHOTO BY S. M. HARLAN



Just as the likenesses of some of our most illustrious Presidents have been carved in the granite hills of South Dakota, so the everlasting principles of religious freedom should be engraved upon the hearts of every true American. These righteous rules of action are embodied in our fundamental law, thanks to the foresightedness of our founding fathers. To preserve these priceless principles against all enemies, both within and without, is our sacred duty and responsibility.



# Examining the Doctrine of Religious Liberty

By **J. GLENN BEALL**  
*Member of Congress From Maryland*

**WE**, IN AMERICA, take our religious liberties for granted. We assume that every man has the right to his own opinions in politics and economics, and above all the right to adhere to the religious faith he desires. We know that in the past this was not the case. We have heard stories of persecution, of wars fought because of religion, and of men suffering mentally and physically because of their religious beliefs. In the early days of our country many laws were enacted which meant persecution to those who did not conform to the religious beliefs of the colony in which they lived. However, some of the colonies were so upset over this condition that they began to show their hostility to religious discrimination. Rhode Island stood first and was followed by two other colonies which, though not quite so liberal, showed great generosity for their time—they were Maryland and Pennsylvania. I think that we in Maryland should feel justly proud of the fact that Maryland's Act of Toleration, passed in 1649, was the first law of its kind ever passed.

At this time it is worth while to examine the doctrine of religious liberty and the right to teach one's own religion in America. Particularly is it good for us to read the statements of the founders of our Government, who lived through days when religious liberty as we know it was not in existence. Most fitting, I think, are the words of George Washington: "Every man conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience."—*Writings of George Washington* (Fitzpatrick ed.), vol. 30, p. 321. Roger Williams, a firm believer in religious freedom who fled to what was later called Rhode Island to obtain this liberty, set up a form of government in whose code appear these words: "All men may walk as their consciences persuade them, every one in the name of his God."—*Proceedings of the First General Assembly [of Rhode Island] . . . and the Code of Laws . . . 1647*, p. 50.

In our Declaration of Independence we find these words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of hap-

---

This Shrine of Democracy, the Mount Rushmore National Memorial in South Dakota, is the Masterpiece of That Famed Artist and Sculptor, Gutzon Borglum. Work on This Monument Was Begun in 1927. The Head of Washington Was Dedicated in 1930, of Jefferson in 1936, of Lincoln in 1937, and of Theodore Roosevelt in 1939. Mr. Borglum Died in 1941, and the Work Was Brought to Completion by His Son



piness." What meaning is contained in those words! What a heritage was given us by those signers of the Declaration of Independence! Indeed, we are very privileged people to have been given these liberties.

Where do we find the legal sanction for this American doctrine of religious freedom? It is embodied in the very first amendment to the Constitution, adopted in 1791: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This amendment meant the separation of church and state. Even this amendment to the Constitution of the United States would not have been adopted had not the seeds of religious freedom been planted in the thirteen colonies. Through all the years since then, up to the present time, we have all known what religious liberty is, and we have never questioned our right to such liberty.

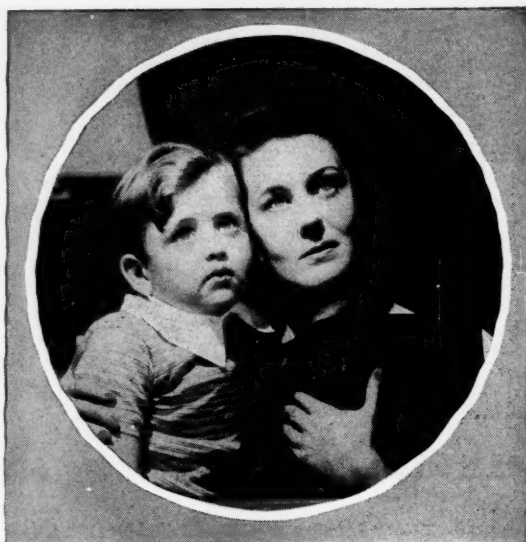
I might ask, What is religion, and why should it be free? God gave us our most cherished gift, the power of speech, and our religion is the highest use of our gift. As defined, religion means the service and adoration of God, or a god, as expressed in forms of worship; an awareness or conviction of the existence of a supreme being arousing reverence, love, gratitude, the will to obey and serve. Every part of the definition means something which comes from inside us and which we are given the right to express in our own way. If religious freedom were not permitted, we could not worship God in our individual way—the way in which we can feel so close to Him. In America we can worship in our own way, regardless of race, creed, or color, because our forebears have given us this privilege, and we in turn must see that it is passed on to our children and grandchildren.

In the First Amendment to our Constitution the church and state were separated. Back in those days it was known that there can be no connection of church and state. I particularly like the words of Ulysses S. Grant, who said in 1875: "Leave the matter of religion to the family altar, the church, and the private school supported entirely by private contribution. Keep the church and state forever separate."—Speech at Des Moines, Iowa, Sept. 29,

1875, in *Words of Our Hero*, edited by Jeremiah Chaplin, p. 29. Today we feel that Ulysses Grant's statement is so definitely true that we must carry on this principle.

In the past few years we have seen religion driven out of countries, and people denied the right to worship God. We have seen such countries fall.

There are some in this country who would like to change our religious freedom—take it away from us—or tie it up with the state in such a way that it would not be religious freedom. But I do not feel that these people will ever be able to inaugurate any of their programs because there are too many others like you and me who are determined that our way of living and worshiping shall continue as it has in the past. We have gone through many crises in our country in the last few years, and there has been a leaning away from our teachings toward con-



EWING GALLOWAY, N.Y.

Let Us Be Thankful for Our God-given Liberties,  
Those Freedoms for Which We Can Be Justly Proud

ditions of which the founders of America would not approve. Thank God, there are enough of us who believe in our civil and religious liberty to stop any propaganda of this kind which might be started. But we must not, in our desire to protect America, use methods similar to those practiced in some countries abroad. If we do, those liberties of which we are so proud, will be gone.

Freedom of religion, through the years, has been the subject of much discussion, and many great men have felt very keenly on this subject. So significant did freedom of conscience appear to Charles W. Eliot, the distinguished president of Harvard University, that he wrote the following inscription for the World's Fair held in Chicago in 1893: "Toleration in religion the best fruit of the last four centuries."—MONROE E. DEUTSCH, *Our Legacy of Religious Freedom*, p. 19.

The question of man's religion has been brought before the American people in the course of an election. At the time William Howard Taft was a candidate for the Presidency of the United States, the matter of religion was injected into the campaign because Mr. Taft was a Unitarian. However, Theodore Roosevelt was most indignant, and in a letter said: "If asked by Mr. Taft, I should most emphat-

ically advise against his making any declaration as to his religious belief such as your friend suggests. If there is one thing for which we stand in this country, it is for complete religious freedom and for the right of every man to worship his Creator as his conscience dictates. It is an emphatic negation of this right to cross-examine a man on his religious views before being willing to support him for office. Is he a good man and is he fit for the office? These are the only questions which there is a right to ask, and to both of these in Mr. Taft's case the answer must be in the affirmative. In my own Cabinet there are at present, Catholic, Protestant, and Jew—the Protestants being of various denominations. I am incapable of discriminating between them, or of judging any one of them save as to the way in which he performs his public duty. The rule of conduct applicable to Catholic, Protestant, and Jew as regards lesser offices is just as applicable as regards the Presidency.”—*Ibid.*, p. 20.

Another instance of religion's being injected into a Presidential campaign was in the campaign of Alfred E. Smith, who was attacked because he was a Catholic. These instances of intolerance show that we must always be on the alert; that we must not condemn a man because of his religious beliefs.

In 1940 the late Wendell Willkie made the following statement at an interfaith meeting: “One of the most precious elements of American life is religious freedom. In the exercise of that freedom we in the

United States have lived happily and flourished for more than 150 years. This nation has been built by men of all faiths working side by side and in harmony. If we are to keep this nation intact we must preserve that principle. In the last several years we have seen other nations destroyed by doctrines of intolerance and of hate. There are even those who have sought to spread such doctrines among us. Let us denounce such traitors to our way of life. Let us stand squarely for religious freedom, for civil liberties shared equally by the members of all races, groups, and sects, and for a spirit of tolerance that will assure us of national unity.”—*Ibid.*, p. 27.

There is nothing which means more to us than our liberty. It is what our forefathers fought for in the Revolution. It is what we have guarded through the years. It is one of the first things our children associate with America. We might ask, Just what is liberty? Liberty to my mind is the right to be a man; and fundamentally this means being dedicated wholeheartedly to the best one knows and believes. Liberty is—freedom of conscience.

We have seen the greatest tragedy Europe has ever known unfold itself, and we carefully strengthened our own defenses. When we did this we did not think only of our stores, our farms, our banks. We had in mind all those civic convictions and ideals which from the beginning have made it good to be a citizen of the United States.

Let us always keep these ideals.

## The Christian Church and Secular Government

By THE REVEREND W. NORMAN PITTENGER

IN ST. JOHN'S GOSPEL, Jesus Christ is portrayed as saying to Pontius Pilate, when brought before his judgment seat, “My kingdom is not of this world: if My kingdom were of this world, then would My servants fight.” In those words, and in that scene, is portrayed as in a parable the relationship between the Christian church and secular government. It is of the very nature of Christianity to insist that its “kingdom” is not “of this world.” Likewise, it is of the essence of Christianity to maintain that its method of influencing the world must be something other than to “fight,” by secular weapons, for its objects. And the Lord, who, before the greatest secular government in the world, as represented by its procurator, so challenged ordinary no-

tions of men, won His own victory and secured the victory of His disciples, not by fighting with the world's weapons, but by the use precisely of that means of warfare which is not “of this world.”

One of the greatest catastrophes which ever befell the Christian church was when it made terms with the Roman emperor Constantine and accepted a place in and of this world. Christianity was adopted as the state religion. The evils which have followed from this identification are innumerable, while the frame of mind engendered in many Christians has been lamentable. For the consequence of the newer relationship of the church and secular government has led to a minimizing of the church's distinctive message and a secularizing of its task. That it has a

secular task is indisputable; that its secular task is accomplished by partial identification with "the state"—and sometimes total identification, for that matter—has been nothing short of lamentable.

Now the founding fathers of our own nation as a group were not animated by any particular religious philosophy concerning the relation of church and secular government. In fact, if we are honest about the matter, we must confess that their religious outlook was inadequate, their grasp of the Christian background of the new nation founded on a thoroughly imperfect notion of Christianity—for they were children of their age. Even when they were "orthodox" Christians, they were tainted by the reduced Christian witness of their day. But they did manage to come to a point of view which, as set forth in our official statements of policy concerning religion and the secular government, has guaranteed to this nation a situation in which religion is encouraged but in which the church has not been tied down to, or identified with, any secular agency or the state itself.

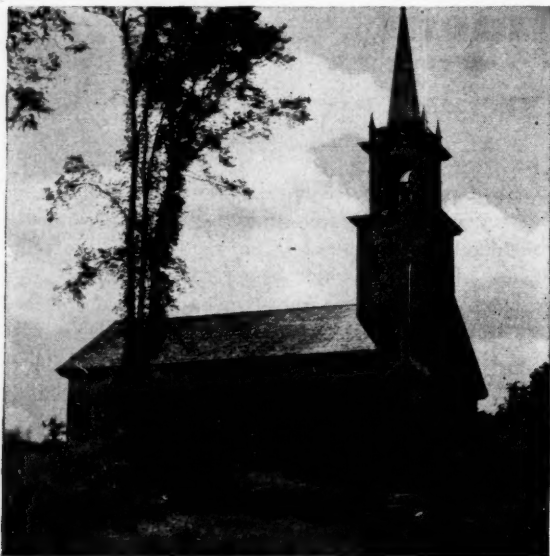
This was perhaps one of their greatest contributions to the world. Their solution may not have been entirely satisfactory in detail; in the main, it has pointed the way for a condition of affairs in which the church is permitted absolute freedom of worship, complete freedom of belief, full rights to propaganda and education—always provided the liberty of every citizen is guaranteed. This means, then, that the church has been obliged to employ, in its attempts to influence thought and accomplish its secular task of confronting men with the demands of God's kingdom, the methods which Jesus Himself enunciated

and employed. Its kingdom has not been "of this world"; its servants have not been in the position where secular weapons of coercion can be employed to further its gospel.

The result has been that a type of church life has been built up in America which is uniquely democratic in functioning, which has the support of its members as the only source of its human strength, and which has not been enabled to call upon the "secular arm" to enforce its spiritual decisions. And those denominations which time and again have sought to exert pressure by other than spiritual means of charity, rational argument and persuasion, have been self-condemned according to our American ideals, and have departed from that norm of church-state relationship which has marked our history for more than a century and a half.

On the other side of the picture, the church has never known, in this country, undue interference in its affairs. Vigilance has ever prevented too great assertion of secular authority over against the rights of the church to live its own life, with its own particular loyalty and in accord with its own particular standards. In recent years, however, there have been disquieting signs of interference. During the war there were instances of pressure put upon the religious conscience, not only in the cases of the "pacifist" sects, but also in requirements for expression of allegiance which in form went beyond the convictions of certain better known groups. Furthermore, the attempt to enforce certain local laws, designed in the interests of particular groups, upon representatives of Christian bodies such as the Jehovah's Witnesses, is an unhappy fact which deserves more attention than it has received. Other instances might be mentioned, one of the more obscure of which is the kind of indirect pressure exerted by governmental agencies on schools of theology and in connection with ministerial training.

Some of our great contemporary students of social and economic movements are telling us that the form of society which is emerging, all over the world, is "corporative" in nature, with increasing control of more and more areas of human life by governmental agencies. This may or may not be true, if it is true, the church will do well to watch lest its freedom be encroached upon, as happened in Germany, especially during the "thirties." If the view of the experts be untrue, then the church still has its task in this area. That task is to see that the complete religious freedom secured by our Bill of Rights is never abrogated by shortsighted or over-enthusiastic legislatures or executives, and that the toleration for all religious groups, granted by that Bill, remains our lasting privilege and one of the glories of our American freedom.



H. A. ROBERTS

A Quiet Place to Gain Spiritual Help



# Released Time and the American Way of Life

By CONRAD H. MOEHLMAN, Ph.D., D.D.

[Dr. Moehlman, for many years a professor of history of Christianity at the Colgate-Rochester Divinity School, is also the author of many books dealing with religious subjects. This is his first contribution to LIBERTY. We are sure that our readers will give his article the careful consideration that it merits. —EDITORS.]

**B**Y RELEASED TIME is meant the use of public school time for sectarian teaching. The method is an infringement upon the rights of all in behalf of the alleged privilege of the few. If pursued to its logical conclusion, it would destroy freedom of religion among us. It would turn public schools into sectarian institutions.

## I

Religiously considered, the American way of life comes to this. Separation of church and state is an American discovery. It is only a century and a half old. When proposed, it was regarded as very revolutionary. It is not accepted in many parts of the world today. It is a minority view for a majority of the earth's population. It put the churches upon a purely voluntary basis. In the United States no one has to be a member of any church. Here everyone is free to be religious in the conventional way or in new and novel ways or not to be religious at all. At first only a Federal idea, separation of church and state is today found in every State constitution as well. It is the principal affirmation in the citizen's faith. It is the American's creed. It is the greatest contribution to civilization made by the United States.

But whenever religion becomes a voluntary and individual matter, there will be hundreds of expressions of religious experience. In the United States at the present time there are at least three hundred and fifty recognizable organized forms of religion.

As religion becomes tropical and luxuriant in its expression, the immediate consequence is that education must become public, democratic, and universal. Education within religious variety can no longer be a charity. It must be for the children from both sides of the track.

Hence, public taxation for public schools and only public schools becomes inevitable.

Because all groups in the United States have always met and mingled in the public schools, these schools have become the spiritual center of our common life. Since public education is playing its role well, the blame for our present religious confusion

FOURTH QUARTER



The Common School Is the Place Where the Lessons Gained in Both the Home and the Church May Be Essentially Practiced

must rest upon the American home and the American churches.

The American way of life permits the existence of the private school. Indeed, the private school has the specific function to fulfill of constantly challenging the public school to nobler endeavor. No citizen is compelled to send his children to a public school. He may send them to a high- or low-tuition private school or to a religious school, provided such a school maintains the necessary educational standards and does not expect public funds to be diverted to its maintenance. "A tax levied for the support of a sectarian school would be unconstitutional in all the States."

The total American church population constitutes only a minority of the American population; the hundreds of religious varieties in the churches cannot be taught in any public classroom without complete chaos; no convinced religious group can tolerate an objective, historical presentation of its dogmas; sectarianism cannot be eliminated from any Christian textbook—all of which means that formal religious instruction cannot be a part of the public school curriculum. So it is all the more remarkable that the values of religion have survived in public education.

The American way has always assigned the cultivation of the peculiar tenets of any denomination or church or synagogue or sect or cult to the churches and the home. And the latter is far more effective in transmitting religious values than either the church or the religious school. "Home is the center; the church makes the home better; but the common school is the place where the lessons gained in both may be essentially practiced."

## II

When released time is placed in this perspective, its lack of harmony with the American symphony is very noticeable.



Released time is seriously impairing the value of the American churches. The average American views released time as a confession of weakness and failure on the part of the American churches. It is not reaching the religiously neglected children of our nation—less than 2 per cent in communities selected for study. Many conservatives in released-time promotional schemes are suspicious of their more liberal brethren. Other subjects can be studied in one classroom under one teacher. When the religious period is announced, the children march off to the separated churches. Religion thus becomes conspicuously divisive to the child mind. A moment ago the children were Americans all. Now they are classified as Catholics, Protestants, Jews, Buddhists, Mohammedans, unbelievers, dissenters, and what not! Released time does not promote Protestant unity or Catholic-Protestant understanding or interfaith co-operation, or prevent the ostracism of the Jew.

The principal criticism of the churches in connection with released time is that they are using the compulsory attendance laws of public education to compel children to study religion. Thus they are contributing to the breakdown of the principle of the separation of church and state on which the American democracy is built.

With all the huge wealth, time, and prestige at their disposal, the American churches seem to be confessing their inability to provide religious training for their youth without the aid of the compulsory attendance laws of public education! Is there a more serious criticism of the impotency of the American churches and ministers than that they must depend upon state compulsion to get their message across to their own constituency? Instead of relying upon state pressure, which in the end always exacts a heavy toll, let the American churches learn from the shame of Christian Europe that only free and voluntary religion can appeal to the atomic age. People are complaining more and more that there is no spiritual sustenance for them in the regular churches. All over the country innumerable smaller religious groups are forming to meet neglected religious needs. What folks desire is bread, not the attenuated vitamins of released-time instruction. When the religious instruction of his own young people by himself again becomes the primary task of the American minister, the prayed-for religious renaissance will dawn. If the released-time curriculum were at all adequate to the religious needs of the twentieth cen-

tury, it might be possible to construct a feeble argument in favor of it.

As Rabbi Abraham L. Feinberg contended in his brief to the Royal Commission of Canada:

"The realm of religion is entirely beyond the scope of the state. If that realm is being neglected, the remedy does not lie in the transference of the task

to the state. It lies in a modernized, expanded, fully supported church program of child education, . . . and in the protection and nurture by society of the home as the final bulwark of religious training. The church and home operate vertically;

they root the child deep in the soil of his own religious tradition. The school functions horizontally and levels the children of every faith into an equal fraternity of shared privileges and duties. The public school created a pattern of fellowship which was gloriously fulfilled in the war by the comradeship of men at arms, who saw not what a man believed theologically, but what he was under fire. . . . Religion includes a creed; doctrine is important. The vehicles for communicating it, however, are the church and the home."

When the churches lean back upon the state for support and for rescue from their own inadequacies, they depreciate themselves until their autonomy finally vanishes.

The American people do not heartily approve of the propaganda in favor of the released-time scheme. They seem to believe that "the churches themselves must prepare their youth for membership in a particular church. It is an unwarranted and dangerous demand, both to church and to school, that our schools shall forsake their public character in order to relieve the churches of what they should regard as their own sacred duty and privilege."

The United States census of religious bodies, 1936, gave the first over-all picture of released time in all the States of the Union. The five-to-seventeen age population reported enrolled in weekday church schools came to only 3.63 per cent. Over 96 per cent of the millions in that age group were not enjoying the advantages of this religious instruction. In Rochester, New York, after a quarter century of very active and intelligent promotion of the released-time adventure and with credit available toward graduation for the successful completion of the course of study, 2,310 pupils out of an elementary school enrollment of 20,408 were in 1944 enrolled in Protestant released-time classes, while 4,585 pupils, about twice as many, were enrolled in Roman Catholic released-time classes.

**Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contribution. Keep the church and state forever separate.**

**—Speech by U. S. Grant at Des Moines, Iowa, Sept. 29, 1875.**



EWING GALLOWAY, N.Y.

**The Home Is the Basis and Foundation of All Good Government and Society**

Of 14,101 pupils in Rochester public high schools in 1944, 3,525 were on a released-time basis.

A recent research by the National Education Association enumerated thirteen States and the District of Columbia as definitely forbidding excusing of pupils for attendance upon weekday church schools. Religious instruction by church teachers within public schools during school hours is proscribed in thirty-six States, the District of Columbia, and Alaska.

As far as my correspondence with teachers is concerned, not one public school teacher has expressed herself as in favor of it. Teachers feel that their task is made much more difficult by it, and that public education itself is penalized as to time lost, efficiency, and particularly morale. A very prominent Western public educator concludes his analysis thus: "In the main, the system of releasing pupils from schools for this sectarian 'Bible' teaching has proved a fail-

ure. Most Protestant children elect not to participate because of the poor quality of the teaching."

Out of a total of 2,043 school systems surveyed a dozen years ago, 82 per cent had never released students for weekday religious instruction, 7.3 per cent had done so but abandoned the project; only 10.7 per cent were continuing the practice. A poll of representative school administrators taken a year ago showed that only one third "believed in" released time for religious instruction, but 54.5 per cent placed the responsibility for such instruction upon the churches and the home. In 1936 the United States census of religious bodies reported thirty-eight times as many pupils in Protestant Sunday schools as in Protestant weekday church schools. Why, then, are Protestant religious educators selling the Sunday school short?

Some years ago W. W. Potter, then attorney general of Michigan, pointed out that "if the representatives of one religion or religious sect or denomination

have a right to have teachers in the public schools at public expense, who take the time and attention of the pupils therein in religious instruction, then of course every other religion or sect or denomination must under the law have an equal right. If Protestant teachers are employed and paid, then Catholic teachers may be employed and paid. The same rule must be applied to Jews and Gentiles, Catholics and Protestants, Theosophists, Christian Scientists, Mormons . . . , and to all other religious sects and denominations who desire to have their religion taught in public schools." Since released time is the vestibule to such a chamber of horrors, those of us who believe in the principle of the separation of church and state must constantly be on our guard against the plans of American religious emotionalists who would give up our hard-won religious freedom for a mess of state-support pottage.



The Pantheon Is the Only Ancient Edifice in Rome that Has Been Perfectly Preserved. It Is Commonly Said to Have Been Begun by Agrippa in 27 B.C. The Present Rotunda, However, Is the Work of Hadrian

## When the Church Approached the State

By **VARNER J. JOHNS**

**T**OLERATION OF ALL RELIGIONS was a maxim of the Roman state. The gods of all the earth were enshrined in the Pantheon and worshiped by the people. Not so the God of the Christians. There was no concord between Christianity and heathenism, neither could there be. Christianity exalted one God, the Creator of the heavens and the earth; paganism had many gods, all of them the personification of sinful men. Christianity demanded purity of thought and righteousness of life; paganism too often glorified licentiousness and exalted iniquity.

Christianity or paganism—the conflict was for nothing less than the dominion of the world. Two

forces so utterly antagonistic could not exist without conflict. It is the antagonism between the spiritual and the carnal, between the Lord of light and the prince of darkness. The Christian religion, by command of its Founder, is a religion of conquest, the conquest of the cross, but its weapons are spiritual—love instead of force; persuasion rather than coercion. Its power lies in every Christian becoming a messenger of righteousness, a herald of salvation. Uhlhorn says:

“The spiritual worship of the Christians was something utterly unintelligible to the heathen. No pagan could conceive of a religious service without

**LIBERTY, 1946**



temples and images, without altars and sacrifices. . . . It is true they talked of an invisible omnipresent God, but such a Deity was to the heathen inconceivable. . . . Therefore the Christians appeared to them to be godless, to be atheists. Away with the atheists! was the customary cry of popular rage in the persecutions."—*Conflict of Christianity With Heathenism*, pp. 226, 227.

The Roman state was closely identified with the pagan religion. Its political and public life was wholly interwoven with heathen rites. The popular holidays of state were religious festivals. Civil officers and soldiers assisted at the sacrifices. Moreover, the emperor was not only the supreme ruler of the state but also the highest priest—the Pontifex Maximus—of the religion of state. He was the high priest of Mithraism, the pagan sun worship which had found entrance and acceptance at Rome. Thus the Christian was brought into a position of peculiar peril. Because heathenism was woven into the very fiber of the national life, Christians were compelled by conscience to separate themselves from the popular pleasures and the national festivals. The Christian was a man apart, ridiculed, scorned, persecuted, hated of all men for the sake of the God he worshiped. To the sin of heresy was added the crime of treason. He was regarded as an enemy to the state.

To the Roman the state itself was an ally of God, and the laws of the state were divine laws. To burn incense to the emperor, to adore his image, was a pledge of loyalty to the state. The Christian was judged guilty of high treason. "You ought to love our princes," said the proconsul to the martyr Achatius, "as behoves a man who lives under the laws

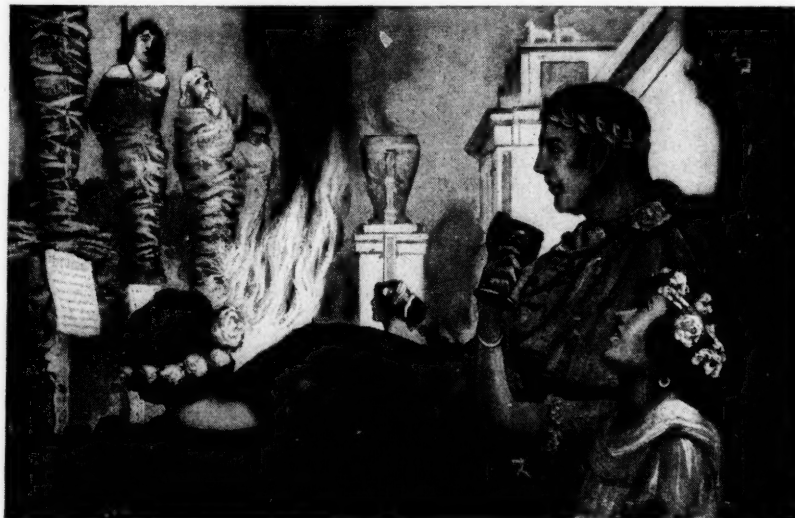
of the Roman Empire." Achatius answered: "By whom is the emperor more loved than by the Christians? We supplicate for him unceasingly a long life, a just government of his peoples, a peaceful reign, prosperity for the army and the whole world." "Good," replied the proconsul, "but in order to prove your obedience, sacrifice with us to his honor." Said Achatius: "I pray to God for my emperor, but a sacrifice neither he should require nor we pay. Who may offer divine honor to a man?" Then came the inevitable sentence of death.

True Christianity can never persecute, its weapons not being carnal. True Christianity never seeks aid from the state to further its ends. False religion persecutes, seeking to regiment all men into one way of religious thought and not caring how coercive the measures it uses. Pagan Rome teaches a never-to-be-forgotten lesson of the evils of intolerance. Christianity was a prohibited religion. Its churches were illegal societies (*collegia illicita*). "You have no right to exist" (*Non licet esse vos*), was the charge that was hurled at Christians. No punishment was too severe, no cruelty too exacting, when directed against these enemies of state and religion. Of the torch victims of Nero, said the poet Juvenal:

"At the stake they shine,  
Who stand with throat transfixed and smoke  
and burn."

This persecution chapter in the experience of the church closes with a note of apparent triumph. The church of the early centuries was a conquering church. It was so because love and righteousness and peace, the virtues of a pure church, are the greatest conquering force in all the world. The blood of martyrs was the seed implanted in the rocky soil of paganism. That seed grew and multiplied and brought forth an abundant harvest. The Christ of Calvary conquered in that early conflict.

Then came a tragic change; a sad chapter was written in the story of the church. Christianity was corrupted by the very force she had sought to conquer. The emperor himself, sun worshiper by birth, professed conversion, made the cross his battle standard, made the Christian church the religion of state. Con-



The Persecution of Christians by Nero Under Pagan Rome Should Teach Us a Never-to-be-forgotten Lesson of the Evils and Cruelty of Intolerance

stantine became a militant crusader in behalf of the now-popular Christian front. The Christianity of the fourth century was as different from the Christianity of the first century as night is from day. Pagan customs and pagan doctrines were now a part of the religion which bore the name of Christ. Constantine now used the iron arm of the state to direct the masses toward the wide-open door of this strange church.

"Now appeared in swift succession a series of laws all calculated to allow of the gradual extinction of Heathenism, and on the other hand to promote Christianity and to make it the sole religion of the Empire."—*Ibid.*, p. 441.

Since a state speaks through its laws, whenever a state seeks to direct or control in any field of activity, laws are passed and enforced. A state has not only the right but the duty to pass laws which safeguard the rights of all the people. The state is made for man, and not man for the state. It is only when the individual is made subservient to the state, a mere cog in the machinery of state, that despotism prevails. The line of demarcation between democracy and despotism is clear and distinct. When the minds of men are clouded; when ambitious, designing, power-loving men seek by law to regiment the individual into one way of life; when the people barter freedom for apparent security and prosperity, the descent to absolutism is swift, and destruction is sure. The world has never known a time when the danger to civil liberty was not real.

Ever present also is a greater peril, the threat to freedom of religion. To avoid this danger, Caesar—the state—should never seek to enter the domain that belongs by divine right to Christ, and the church must not seek aid from the state. The very nature of Christianity—its basic belief in the influence of the gospel to transform lives—prohibits the use of force in the religious realm. Outward allegiance to Christ and the church is of no value whatsoever in the sight of God. In fact, mere profession without the possession of Christian virtue is the greatest hindering force to the advance of religion. Christianity is a religion of the heart. Christ demands a heart allegiance and a heart transformation. For this reason coercive laws are perilous to

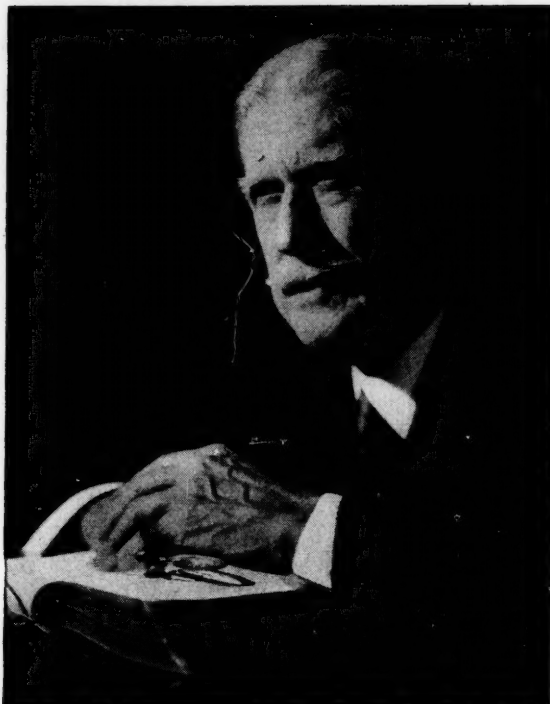
Christianity itself. They are a weakening and a destroying influence.

On the other hand, in civil affairs in the matter of man's relationship to his fellows, it is both the right and the duty of the state to enact laws for the common good of its citizens and to use force, if need be, to carry them into effect. Civil legislative bodies may pass statutes to forbid murder, theft, or adultery, and executive officers may see that these laws are enforced and offenders punished, but such officers are not enforcing the law of God, for His law forbids the covetous thought, the impure desire, the hateful meditation. The state may deal only with the overt act, not with the heart's thoughts or desires, for it cannot X ray the human heart or judge motives. Though an act may be recognized as being both a violation of a civil law and a sin against God, and though it is admitted that the state has a duty to perform in the protection of its citizens and the punishment of crime, the state must be forever opposed to any attempt to invade the realm of conscience, a domain which belongs only to the Creator.



The Oppressions of the Dark Ages, Brought on Largely by Religio-political Laws, Are an Object Lesson for Our Day. America Must Resist Every Demand by Religious Blocs to Overthrow Our Bill of Civil and Religious Rights

A. KRELING, ARTIST



EWING GALLOWAY, N.Y.

The Divine-human Relationships of Mankind Are Not Rightfully in the Province of the State. They Belong in the Domain of the Individual Conscience

This divine kingdom is forbidden ground as far as the state is concerned. The first four commandments of the Decalogue—

"Thou shalt have no other gods before Me,"

"Thou shalt not make unto thee any graven image,"

"Thou shalt not take the name of the Lord thy God in vain,"

"Remember the Sabbath day, to keep it holy"—define duties which men owe to God.

No state has the right to say, "You must," when it comes to divine-human relationships. When Japan forces the Christian to bow at the Shinto shrine, it is no more reprehensible than for a nation predominantly Christian to force any religious belief upon any of its citizens. Rome is the outstanding example of the iniquity of a state-enforced religion. Pagan Rome made laws to enforce paganism, and persecuted Christians. When Rome became Christian (?), she made laws to enforce Christianity and persecuted the pagans. Rome under Constantine was as bad as Rome under Diocletian. She spoke with the dragon voice while under the dominion of both religions.

"From the days of Constantine there existed a Christian magistracy." A Christian magistracy is as bad as a heathen magistracy, or worse, for it misrepresents

sents and destroys the very religion it seeks to protect. Any alliance between church and state, regardless the state or regardless the church, is fraught with the greatest peril to the church and to the state. Of the days of Constantine the historian says:

"Thus Constantine began to interfere in the internal affairs of the Church. He called the Council of Nicaea, he confirmed its decrees and provided for their execution even with political machinery. The Emperor determined what doctrines were to prevail in the Church. . . . And there were plenty of bishops who were content with this state of things, and recognized the Emperor as a kind of *Pontifex Maximus* over the Church,—only 'a bishop over the external affairs of the Church,' Constantine modestly called himself."—*Ibid.*, p. 449.

The danger is in the first step toward an alliance between religion and the state. When once the false principle is advanced and accepted and the first law passed, the way is open to an iniquitous brood of religious laws. An example of this peril of progressive legislation is seen in the days following the reign of Constantine. Constantine took the first step; his successors walked all the way into the dark valley of despotism.

In August Neander's *General History of the Christian Religion and Church*, 15th American edition, volume 2, pages 335, 336, are recorded the steps by which one religious law, first passed by Constantine, was strengthened in its enforcement by combined religious and political influence. Let us note these steps:

First: *Custom.*

The celebration of Sunday as a religious festival gradually found entrance and acceptance by the church.

Second: *A mild law.*

The first Sunday law—the law of Constantine, A.D. 321—was a law, with exemptions, for safeguarding the *dies Solis* (the day of the sun).

Third: *A church law.*

A synodal law, the 29th canon of the Council of Laodicea (A.D. 365?), established Sunday as a church festival.

Fourth: *A more stringent state law.*

"By a law of the year 386, those older changes effected by the emperor Constantine were more rigorously enforced, and, in general, civil transactions of every kind on Sunday were strictly forbidden. Whoever transgressed was to be considered, in fact, as guilty of sacrilege."

Fifth: *An appeal to the state.*

Because "the theatre was vastly more frequented than the church," the church resolved, at an ecclesiastical convention held at Carthage in 401, to petition the emperor that the public shows might be trans-



ferred from the "Christian Sunday" to some other days of the week.

Sixth: *A rigid state law.*

In the year 425 "the exhibition of spectacles on Sunday, and on the principal feast days of the Christians, was forbidden, in order that the devotion of the faithful might be free from all disturbance." In this way the church received help from the state for the furtherance of her ends, which could not be obtained in the preceding period.

Seventh: *The darkness of the Dark Ages.*

In the short space of one hundred years the mild law of Constantine for the safeguarding of the *dies Solis* became, at the behest of the bishops, a rigid law which forbade pleasure as well as work on Sunday. It is worthy of note that Neander speaks of the vast

number of "outward conversions" which followed. A state-enforced religious law may help to pad the church registers, but it can add no names to the book of life which is faithfully kept in heaven. The appeal to Caesar is evidence of a decadent and decaying church. Religious laws contributed in no small way to the darkness of the Dark Ages.

An amalgamation of church and state, or of religion and the state, is always fraught with great peril.

If the past is an object lesson for the present, then the twentieth century should remember and avoid the steps which led to the union of religion and state in the fourth and fifth centuries. America must not yield to any demand by any religious bloc, no matter how insistent that demand or powerful that bloc, for the passing of religious laws.

## A Provocative Picture and a Possible Practical Program

By C. E. CROSLAND

[When Mr. Crosland came to Washington last July to attend a meeting of former Rhodes scholars, his interest in LIBERTY led him to visit the editor to talk about some of the things for which this journal stands. His article is the result of that visit. Mr. Crosland is a businessman and might feel that the competition and uncertainties of our times are sufficient reason for giving all his attention to his personal affairs. But it is evident he recognizes that with the liberty Americans enjoy there rests upon each citizen a responsibility to seek to preserve it, and he is willing to give of his time, at some monetary sacrifice, to discharge this obligation. We believe this article will provoke thought.—EDITORS.]

**M**OST GOOD AMERICANS have a vague impression that there is in the Constitution of the United States something that (1) prevents the establishment of a city or county or State or national church, and that further (2) prevents any unit of government from contributing public funds directly to the aid of churches and religious sects.

Strange as it may sound to many intelligent readers of this magazine, such an impression is untrue, ill-founded, actually dangerous!!

Let us state bluntly an illustration of the fact in point:

The council or aldermanic board of any city in the United States could tomorrow, by their majority vote and acting in conjunction with a few of their fellow city officials, actually establish a city church of any sectarian coloration they selected. They

could appoint their preachers. They could appropriate tax funds for the building and maintenance of an entire religious and sectarian organization. They could do so, believe it or not!

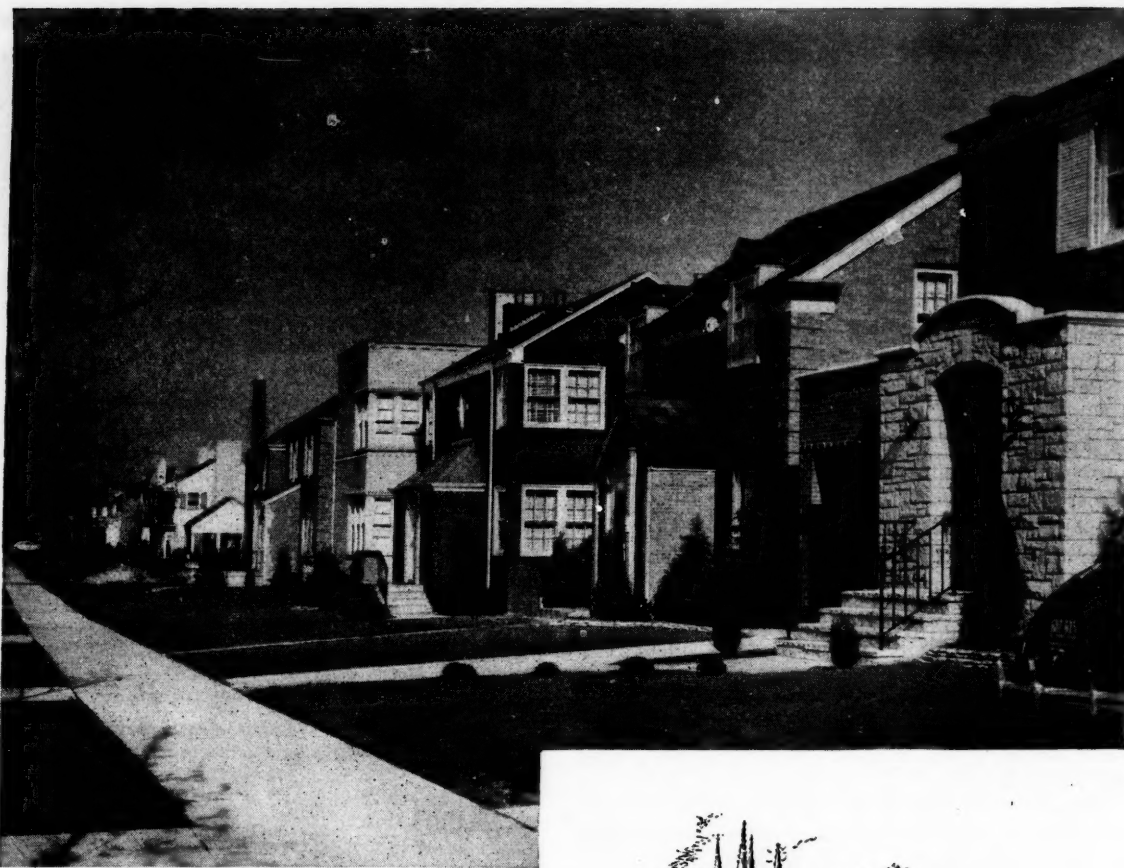
There is no provision in the Federal Constitution or the Bill of Rights or the amendments that would prevent such municipal action or that would stop such operation. Such a municipally organized, municipally owned, and municipally operated church and Sunday school and weekly prayer meeting could continue to function indefinitely. No law enforcement officer of city or State or nation could interfere in his official capacity. There would be no punishment for the city officials making the appropriations or for the religious persons receiving such appropriations.

To make this illustration stronger, no State constitution contains any provision that would prevent or stop the above described city church built and operated with tax funds.

Now to the point: This nefarious city church would continue to operate freely *unless and until some private citizen of that identical city applied openly to the courts for the remedying of a wrong done to him by his own city-elected officials.*

The last foregoing paragraph contains an exact statement. In other words, our national Constitution and our State constitutions *prohibit* but do not pre-





EWING GALLOWAY, N.Y.

**A Church Owned and Operated by the State in America! A Municipal Religion Supported by Public Tax Funds! Don't Say These Are Impossible Until You Have Read This Thought-provoking Article**

vent the financial union of church and state on the various governmental levels.

The situation is entirely different when it comes to the constitutional prohibitions against treason or counterfeiting or slavery or child labor. In these fields the Congress has passed supporting laws intended to *prevent* in all areas and on all levels the evils which the Constitution *prohibits*.

For instance, take a case of counterfeiting. Suppose that a group of persons contrive to jeopardize the welfare of each private citizen by uttering counterfeit money. No one private citizen has to discover and discern and prove that a violation of the Constitution has occurred. It immediately becomes the active and sworn duty of all law-enforcement officers and prosecuting attorneys to ferret out the violators, bring them into court, prove their action, and have them appropriately punished. It would not matter whether the offenders were private persons or government officials by election or appointment. Furthermore, hauled into court would be not only

**FOURTH QUARTER**



those persons who initiated the violation, but all other persons who had knowingly benefited by their action.

### **A Definite Suggestion**

Laws against treason and counterfeiting and slavery and child labor—these are areas or phases of our achieved American liberties. Our liberties in these directions are protected by having them *declared* in our Federal and State constitutions. They are further protected by having these constitutional pro-

hibitions implemented by preventive and punitive laws.

Our more valuable liberty of separation of church and state is likewise declared in Federal and State constitutions. Why should it not be likewise further protected by having this constitutional prohibition implemented by preventive and punitive laws?

It can be done. It would give an opportunity for a timely program of education of the citizenry and a timely advancement of one of the greatest of American ideas.

Are definite suggestions desired?

Presumably every State constitution contains a section that reads somewhat thus: "And no funds shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or sectarian institution." That is far enough for a constitutional declaration of liberty and separation to go. It gives the legislature the right and the duty to formulate laws appropriate to carrying out that provision, and to set suitable penalties for its violation or trespass.

First, there should be a penalty put upon any custodian of public funds who violates that provision.

Second, there should be a penalty put upon any person who solicits or receives into his custody any such illegal funds, whether for his own use or for the use of others.

Third, law-enforcement officers and attorneys should be charged with the usual enforcement of laws in this connection.

### The Present Situation

Unless and until our separation liberty does have some such implementing legislation, unless and until our liberty-loving citizens do have some such reinforcement, the present situation is not to be happily contemplated. Conditions are not so good as some worthy citizens believe.

Present trends are disconcerting to thoughtful persons. For one thing, we are now so far distant from the original battlefield on which this particular separation liberty was first victorious that even the best citizens do not realize the struggle for, or the importance of, this liberty, and its very nature. Second, and without bringing in a political note, the recent trend of government into the field of personal welfare of people brings government into territory where once the churches operated alone; so, some people ask why the government should not actually function through sectarian institutions already in that field. Third, and also without prejudice, the uniforming of chaplains in the armed forces brought organized religion and government very close to doing the same things. Fourth, since the National Government is "giving away" so many billions, why



EWING GALLOWAY, N.Y.

not "give" money to good churches?

Indeed, the time is at hand for a new statement of our liberty of separation of church and state, a reapplication to our modern economic and social trends.

In this connection there is one most disturbing item. Most of our best people feel that this question of not paying public funds to church institutions was settled decades ago. No need to worry any more. There are no violations of this fundamental principle these days—not in our community! That is, un-

America is a Land Noted Not Only for its Civil and for its Varied and Impressive Scenic Beauty. Just a Cut Out of a Rocky Formation, the View Before Us is a Keystone in the Black Hills Region of



for its Civil and Religious Freedom, but Also  
Beauty. Just as We Emerge From a Tunnel  
View Before Us Shows U.S. Highway 16, Near  
Black Hills Region of South Dakota

speeches and making speeches on "Our Great American Religious Liberty." He lives in a community that prides itself in its stalwart Americanism, with American-born stock and Protestants vastly predominating; and he is a member of a sect that prides itself on separation of church and state as one of its principal tenets. And yet, within the past twelve months, and without the slightest search, he has had thrust

FOURTH QUARTER

fortunately, far from true. The writer of this article confesses to having been lulled into a false feeling of security, both hearing

upon him *seven* separate and distinct and current violations on the part of government and organized religion. He regrets to add, but he must add, that in five of the seven instances, his own sect was either the active or passive recipient of illegal governmental aid. Only three of these violations have been corrected, and there is little or no chance that the others will be corrected. The writer is justified in speaking on this topic.

### The Present Custodians of This Liberty

Therefore, unless and until there is some legislation to help him, each individual citizen is the sole custodian of this liberty of the separation of church (religion) and state (government on all levels).

The individual citizen must be prepared to discern danger in what his fellow citizens will describe as borderline cases. He must be prepared to go more or less alone into open court, usually in the face of popular disapproval. He must ask for this liberty—his liberty—to be protected. He must publicly denounce the action of his own officials, his religious leaders, often his own pastor. He must incur the wrath and often unbridled attacks of men whose plans he upsets. He must risk business boycott, personal gossip of items that may be true or untrue, because religious passion knows few limitations of speech and action.

Let us go back for a moment to the city church presumed established in the first part of this article. It could happen only with the approval of the "leading citizens" in public office and in religion. It would take a brave man, perhaps a foolish one, to step forward and object. But that is what liberty would demand, and the citizen could expect no help from any quarter, certainly not from law-enforcement officers.

If the citizen won his court lawsuit he would gain nothing for himself, not even court expenses. He could not ask exemplary or even the nominal punishment or rebuke for the city officials or for the recipients of illegal money. He could not have put back into the public treasury the money illegally paid out.

All he can do is to pay his bit to the cost of maintaining liberty. At best he does a poor or a partial job of it.

Why not initiate legislation that will further the cause of liberty? What better objective for legislation than to help liberty-loving citizens protect their liberty?

---

A FREE pulpit, free press, free assembly, free enterprise, free speech, and a free conscience are the best antidotes to totalitarianism in a state.

# Union of Church and State Produces Intolerance



By C. S. LONGACRE

**M**ISGUIDED RELIGIOUS ZEAL always has the tendency to employ force to advance the cause of religion. As a U.S. Senate Committee, in its adverse report on a religious measure pending before the Senate, stated: "Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered but for the violation of what government denominated the law of God. . . . All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence."—"Senate Report on Sunday Mails," *American State Papers*, Class 7, pp. 211, 212.

From the despotism of kings the people have little to fear today. Grave danger comes from powerful religious combinations which are obsessed with the conviction that they alone possess the truth, that all others are heretics and have no right to propagate heretical doctrines. Such an attitude when clothed with civil authority always leads to religious persecution of dissenters and nonconformists. It makes little difference what the religious faith is of those who seek to dominate the state in order to further their own ends. There never has been a state-established church that has not persecuted dissenters.

Philip Schaff, the well-known church historian, aptly says: "Of all forms of persecution, religious persecution is the worst because it is enacted in the name of God. It violates the sacred rights of conscience, and it arouses the strongest passions. . . . The temporal punishment of heresy is the legitimate result of a union of church and state. . . . A religion established by law must be protected by law. Hence the Constitution of the United States in securing full liberty of religion, forbids Congress to establish by law any religion or church. . . . An established church must in self-defense persecute dissenters, or abridge their liberties; a free church cannot persecute."—*History of the Christian Church*, 3d ed., vol. 7, pp. 693, 694.

The American Republic was the first government to recognize that the individual possessed certain inalienable and God-given rights which no power on earth had a right to invade or abridge. The historian Bancroft has tersely stated this great fundamental principle thus:

"Vindicating the right of individuality even in religion, and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite spirit of eternal truth might move in its freedom and purity and power."—*History of the United States* (1888), vol. 6, pp. 443, 444.

As a result, the American Republic under the principle of a total separation of church and state has enjoyed a freedom, a reign of peace and prosperity, that has become the envy of other nations in the world. In the United States the individual is free to worship God and follow the dictates of his own conscience in religious matters without the interference of the civil authorities. The First Amendment to the Constitution prohibits the Federal Government from interfering with the free exercise of religion. Similar provisions in State constitutions do the same thing. If it were not for this, religious persecution would be rampant here the same as it is today in those countries where state religions dominate the civil authorities and where religious hierarchies play the role of both spiritual and political advisers and counselors. Any religious organization that claims to be both a church and a state, and exercises both spiritual and political functions, cannot forgo the temptation to use political power to further the spiritual ends and employ force in religious matters.

When the adherents of a state religion are in the minority among divergent sects, religious toleration exists, and all religions enjoy equal privileges to

LIBERTY, 1946



some extent before the law, but when the adherents of a state religion are in the majority, the civil authorities are forced to bend to the intolerant influences of the religious hierarchy which takes advantage of its numerical strength and political strangle hold on the government, and the result is religious persecution of the minority and the frustration of the individual's freedom to choose his own religion, and practice and propagate its tenets.

A state religion treats every divergent religion as heretical, and if others are allowed to exist at all, it is through toleration. But religious toleration is not religious freedom. Where toleration is a grant from a higher authority, freedom is a precarious affair. It is likely to be withdrawn at any time, or threatened to be withdrawn unless the suppliant makes concessions to the ruling power.

No person can logically claim that he stands for religious freedom as long as he stands only for freedom for his own creed and brand of religion. An actual believer in religious freedom is one who be-

lieves in it for the individual who differs in creed, even if he thinks his neighbor is wrong. It is not the prerogative of the civil authorities to determine which religious creed is wrong and which is right. As long as a citizen conducts himself as a good citizen in his relationship to his fellow citizens and in his relationship to the civil government in civil things, the civil authorities are duty bound to protect him.

It is not the duty of the civil government to see that its citizens are all of one religious persuasion or to interfere with the free exercise of the conscience of the individual if he decides to change his religious affiliations in harmony with his religious convictions. The civil magistrate and police force of the state should not undertake to enforce religious obligations and religious customs and usages in harmony with the creed of a state religion. But the only way to avoid such improper functions on the part of the state authorities is for citizens to refuse to allow religious statutes any place on the civil statute books, and to nullify all alliances between any church organization,



EWING GALLOWAY, N.Y.

Worship in America Is Exercised and Enjoyed in the Full Freedom of Sacred Institutions

however numerous its adherents, and the civil power.

A church organization that proceeds to form its adherents into a political party to further its own ends, should be treated not as a spiritual entity but as any other political party. A church has no right to complain when it openly and publicly organizes its members as a body into a political party, if it be treated as a political entity, and if it be subjected to the same rules and regulations as are all other political parties. A political party is subjected to all kinds of attacks from its opponents. It must submit to all kinds of abuse and opposition upon political questions on which the citizens of a state have a right to differ. Any church organization that is intolerant toward other church creeds has no right to complain if the citizens who differ should oppose its ascendancy to supremacy in the nation.

It is a well-known historical fact that every church organization which in the past has entered the political arena to further its own ends has had to suffer reverses and most humiliating experiences, aside from its own spiritual retrogression. Politics and

religion do not mix any more than water and oil. Whenever a church organization forms an alliance between itself and the state or resolves itself into a political action organization within a state, to dominate the same, the result is an unholy alliance and ends in religious and political bickerings and rebuffs that are very damaging to all parties involved. A political church organization has always in the end lost more than was gained by political maneuvers and bickerings for advantage. The state has no business to meddle with religious matters, and the church, above all institutions, should never mix the holy functions with the profane, or secular. The sword of the Spirit, which is the Word of God, is the spiritual weapon of the church, and the sword of steel is ordained for the use of the state. Whenever the church uses carnal means and weapons to further her objectives, she frustrates her divine mission in the world, and when the state uses carnal means to aid a religious hierarchy, it perverts its divinely ordained sphere to function in civil things only. Let Americans keep church and state forever separate.

## On Prejudice

By THE REVEREND LEO J. TRESE

*["The Commonweal" of May 17, 1946, contained an article by the Reverend Leo J. Trese, entitled "On Prejudice." The editors of "The Commonweal" have graciously allowed us to reprint it in LIBERTY.]*

*We are not printing this article because the author has spoken a bit chidingly to his own coreligionists. We offer it for the practical Christianity it teaches. We believe that the principles laid down are sound ones and that Protestant ministers would do well to avoid the things against which the Reverend Mr. Trese warns the leaders of his own church.*

*It would not be seemly for us to claim to be judges, but we cannot resist saying that we believe the gospel in its simplicity to be the most powerful agency in the world for good. We are convinced that neither numbers nor institutions, popularity nor political influence, may be justly set up as a test or evidence of Christianity. We feel that all our blessed Lord needs to advance His kingdom in the earth is the revelation of His Spirit in the lives of His professed followers.*

*We commend the words of admonition which follow to all who may be tempted to rely upon influence or force to accomplish those things which can only be done by reason and persuasion and example.—EDITORS.]*

**F**OR SEVERAL GENERATIONS the Church in the United States was the church of the immigrant, the ignorant, and the poor. There were exceptions, but they noticeably were exceptions. In the past half century there has been a gradual transformation. Catholics have achieved their fair share of education and prosperity.

In the process two things have happened. First of all, Catholics have imbibed of the great American

success formula: it is good to be good, but to be good and rich is better. Secondly, during their years of bitter struggle as a condemned minority, Catholics have developed an intense group consciousness which verges on an inferiority complex; we are as quick to cry "A.P.A." as a Communist is to cry "Red-baiter."

These two tendencies—success worship and group solidarity—have generated in us what might be termed a religious braggadocio. It is a muscular kind of apologetic, given to much chest thumping and biceps flexing. A work of art gains merit in our eyes merely by the fact of having been executed by a Catholic. A movie whose hero is a Catholic priest is a much better picture than one whose hero is a Protestant minister, even though the plots be identical.

Such childlike pride is quite human and quite understandable. But it becomes dangerous when we begin to identify such success with the progress of our Church. It is dangerous when the conversion of a prominent politician seems to us to prove something that would not be so evident from the conversion, let us say, of a schoolteacher. The peril becomes more acute when the election of a mediocre

Catholic to political office causes more rejoicing than the choice of an abler, even a more honest man. This vicarious pride in what is, after all, merely an accidental juxtaposition of religion and achievement reaches its nadir in some of our Catholic press. There such headlines as "Catholic Bus Driver Wins Safety Award" or "Priest's Brother Chosen Board Chairman" are offered (an outsider might think) in proof of the divinity of the Church.

We Catholics have yet to learn that publicity can be a two-edged sword. The businessman who said, "I don't care what they say about me so long as they talk about me," is a poor example for us to follow. I do not mean that it is our fault if a priest happens to fit in a scenario better than a minister, or that the religious affiliation of a best-selling author ought to be suppressed. Neither do I mean that we ought to hide our light under a bushel. But I do think we ought to stop looking on such pabulum with the idea that it has any apologetic value. We ought to jar ourselves loose from the spirit of patronizing complacency which arouses in our Protestant brethren the same resentment that it would arouse in us, were the roles reversed.

It has even got to the point where we no longer answer our critics in Christian fashion. We have become so self-satisfied that we can no longer conceive of an opponent being honest in his fear of us, sincere in his suspicion of us. When Methodist Bishop Oxnam says that the Catholic Church in principle is opposed to the separation of church and state (which happens to be true), we answer him by saying that he doesn't believe in the divinity of Christ. We have come a long way from the "soft answer" of the Scriptures. We have come a long way from the spirit of Christ, who sought to win, rather than to answer, an honest opponent. We have come a long way from the apologetics of primitive Christianity when a Justin reasoned sweetly, if firmly, with an emperor.

Ours is a warped psychology. In the early Church (as today in missionary lands) every unbeliever was looked upon as a potential convert. Here and now, everyone who dares to disagree is looked upon as a potential enemy. I am uncomfortable because I am seated next to a Protestant minister at a banquet. God knows why it should be so. If someone had not introduced him as a minister, we could have got on famously. It is not a question of avoiding the taint of indifferntism. We go out of our way to emphasize our difference, our superiority. It some-

times seems that we deliberately make the Catholic faith as unattractive as possible to outsiders; we camouflage the barrier until it looks far higher than it is.

These things we need: a spirit of humility that will recognize our own personal and evident shortcomings as Christians; that will recognize, too, that our critics, our opponents, even our enemies may quite possibly be sincere. A spirit of kindly and gentle friendliness that will place the emphasis on the third word, when we speak of "our separated

brethren." A love of truth that will enable us to recognize integrity wherever we find it and not allow us to bask in the bastard security of "successful Catholics."

If we must be in the news, let the headlines speak of Catholic labors for social justice, for racial equality, for political morality. If, for example, the atomic bomb is ethically indefensible, let us forthrightly say that we would rather see our country overrun by communists than drop a single bomb on a Russian city. Such things will not make us popular, but they will make us strong.

Never yet have I encountered a convert whose mind was first turned to the Church by anything he had read in the daily newspapers. Invariably behind every gift of faith there is a story of contact with individual Catholics who had learned to distinguish between honest error and evil will.

It is doubtful whether all the hundreds of columns of publicity attendant upon the recent Consistory at Rome will bring a single convert into the Church. I doubt whether all the civic banquets and receptions will bring increment to the fold. But it is quite conceivable that some member of one of the plane crews which carried American delegations may find grace as the result of the human friendliness and simplicity that he found in one of his passengers.

---

GOVERNMENT subsidies are a painless anesthesia to make us asleep to the dangers which threaten our freedom of action.

A RELIGION which can change human nature does not need to appeal to the state for aid to reform the world.

A RELIGION which resorts to force lacks internal merit and strength.

**Our country has liberty  
without license and authority  
without despotism.**

**—James Cardinal Gibbons.**



# Should Liberals Oppose Released Time for Religious Education?

By **THE REVEREND IRVING R. MURRAY**

*Pastor, First Unitarian Church, Pittsburgh, Pennsylvania*



**T**HE ISSUE in the released-time matter is not whether we the people think we need more religion. If we do think so, and I hope we do, we can get it easily enough. May one be forgiven for saying that God suffers from no housing shortage? And parents who want their children to have a more adequate religious education will have no difficulty in securing the co-operation of the clergy.

The issue is whether we the people want the State's police power put at the disposal of the church. True, under the released-time scheme parents are permitted to decide whether or not their children shall take advantage of the opportunity for religious instruction during school hours. They may be said to be free to decide for themselves. But in many communities social pressures are applied to make this merely legal freedom into an actual coercion. Once the parents have "decided," the State and its police power are brought into the picture. It must be so for school authorities are required by law to make sure that boys and girls receive so many hours of schooling. Accordingly they must spend public funds in checking attendance and diligence in sectarian instruction. Constitutional or not, this expenditure must be regarded as a violation of the American principle of separation of church and state. Would the writers of the Federalist Papers have approved spending funds raised by taxation to determine how successful I as a minister had been in teaching Unitarianism to boys and girls? James Madison, himself a Unitarian, would have said exactly what he did say when a similar innovation (in the relation of church and state) was proposed in Virginia, "It is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of

citizens, and one of the noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle."

Exactly so! We must abandon released time, or soon we will be paying for books for sectarian schools, as is done in five States already. And after that, salaries for teaching clergy, as proposed in Ohio in 1934 and defeated only by the smallest margin. These are consequences of released time, not merely theoretical but historical—for so it has happened in other States. These consequences can be avoided by various means, none better, however, than Madison's "denying the principle," abandoning released time.

If we did so we should still need more religion. It occurs to the writer that we should also be in a superior position, in the long run, to have more religion. For if we give up our religious freedom (which must mean, however much we may deplore it, the freedom of those who so desire to deny religion) we shall ultimately give up all freedom. When that happens, the church will be a vassal of the state, as it was in Nazi Europe. Those who love religion will accordingly take alarm at this first released time experiment upon our liberties.—*The Pennsylvania Universalist*, July, 1946.

---

WHEN a dominant political party fetters a free press, the stability of the government is placed in jeopardy and the liberties of the people are shackled.

**LIBERTY, 1946**



WILES PHOTO

The State Capitol of Tennessee, a Fine Example of Greek Architecture, Stands on a Hill in the City of Nashville

## Tennessee Plans to Revise Her Constitution

By **ROBERT LEO ODOM**

**T**HE STATE OF TENNESSEE is celebrating the one hundred and fiftieth anniversary of her admission to statehood in the United States. It was on June 1, 1796, that the Congress of the United States enacted the law granting to her such status in the Union.

In looking to the future this progressive State is considering the need of a revision of its constitution. The Constitution Revision Commission, under the chairmanship of William L. Fierson, has been charged with the drafting of the new text of the fundamental law.

FOURTH QUARTER

In the matter of religious freedom, the following provisions of Article 1 of the present constitution of Tennessee are forthright statements of sound principles:

"SECTION 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no

preference shall ever be given, by law, to any religious establishment or mode ["establishments or modes," in constitution of 1796] of worship.

"SECTION 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

"SECTION 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors."

But turning to Article 9, we find provisions that constitute a striking contradiction to those cited above from Article 1. Here they are:

"SECTION 1. Whereas ministers of the gospel, are by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or Priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature.

"SECTION 2. No person who denies the being of God, of a future state of rewards and punishments, shall hold any office in the civil department of this State."

Section 1 of Article 9 annuls to a certain extent the grand provisions of Section 4 of Article 1. Because a citizen exercises the profession of a religious minister he is deprived of the right to hold office in either house of the State legislature. This applies to clergymen of all denominations. Thus a religious test is imposed upon a large number of Tennessee's best and most influential citizens. This discrimination is not found in the Constitution of the United States.

Section 2 of Article 9 is an outrage against justice and religious liberty. It denies many citizens of Tennessee the right to hold "any office in the civil government of this state" on account of their convictions concerning the Deity. Worse yet, it even

makes religious doctrine a test by denying the right of holding "any office in the civil department of this state" to any citizen who denies "a future state of rewards and punishments."

A resident citizen of the State of Tennessee, I am a Christian, having been brought up in this faith. My father was a Baptist till the day of his death. My mother, a Tennessean by birth, is still a devout member of the Methodist Church. I have near and dear relatives who are both Christian Scientists and Tennesseans by birth. Christian Scientists and many other people do not believe in a future punishment for human beings. Many members of the popular Protestant denominations do not believe that God will torment men, women, boys, and girls for billions and trillions of centuries without end in flames of fire.

Personally, I am still a bit old-fashioned, and I believe in future rewards and punishments. But I also believe in religious liberty and freedom of conscience for all men. It would be unjust of me to think that my fellow citizens ought to be discriminated against in the matter of their constitutional rights merely because they do not agree with me in my religious beliefs.

Certainly Sections 1 and 2 of Article 9 are not in keeping with the traditional spirit of religious freedom in America. They make the present constitution the laughingstock of intelligent and liberty-loving people. Furthermore, these un-American provisions of the present constitution of Tennessee can be used by bigoted persons to vex and persecute many of their fellow citizens who do not entertain exactly the same religious convictions as they do.

The attention of the chairman and the secretary of the Constitution Revision Commission has been called to these obnoxious discriminations that the constitution now in force has made in the matter of religious freedom. It is hoped that the new constitution will place all citizens on a plane of equality before the law insofar as religious matters are concerned.

## Old Arlington House on the Potomac

By S. M. HARLAN

**O**LD ARLINGTON HOUSE is now known as the Lee Mansion. It stands within the nation's most famous cemetery, on the picturesque heights across the Potomac River from Washington, D.C. A view in color of this historic building is featured on our front cover for this quarter.

This mansion was built by George Washington Parke Custis, the grandson of Martha Washington, and the foster son of George Washington.

Mrs. Washington died in 1802, and shortly afterward her grandson began building Arlington House on the estate of 1,100 acres which his father, John

Parke Custis, had purchased in 1778 and had named Arlington in honor of an old ancestral homestead.

It is believed that Mr. Custis designed and supervised the original building. In 1820 it was remodeled under the direction of an architect.

Also interesting to note is the fact that the foundation stone came from the estate, and that the timbers were cut from the near-by woods. The bricks for the walls were burned from native clay by workers on the place. Once completed, Arlington House became the center of much social activity. Here, Mr. Custis entertained that famous soldier, Lafayette, during his visit to the United States in 1824-25.

An important social event occurred at Arlington June 30, 1831, when Mary Ann Randolph Custis, the only one of the Custis children to survive infancy, was married to Lieutenant Robert E. Lee, a descendant of the distinguished Lees of Stratford. Just two years before, Lieutenant Lee had graduated from West Point, number two in the class of 1829, without a demerit.

In the years that followed, Mrs. Lee spent much of her married life at Arlington. She realized that being the wife of an Army officer entailed many sacrifices. The many military assignments of her husband, coupled with her own ill-health, often made it impossible for her to accompany him on his missions. Mrs. Lee, not of the complaining type, endeavored to help her husband in every way that she could in the career which he had chosen. Although thus deprived of her husband's constant companionship, she devoted her time and her talents to the proper upbringing of her children.

Mr. Lee was acquainted with the trying situation under which his wife labored so heroically, and endeavored to supply a father's stabilizing influence and direction to his children by frequently corresponding with them. He sought to give them good advice and wise counsel.

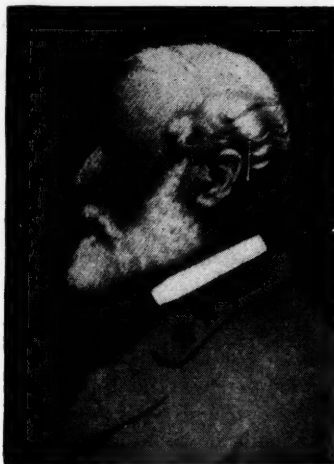
This ideal home, luxuriously furnished and rich in traditions, "housed a family simple in its tastes, whose members were devoted to each other and deeply religious."

The sudden death of her mother, Mrs. Custis, in 1853, was a great shock to Mrs. Lee. She hastened home from West Point, where her husband, at this time a colonel, was superintendent. It was necessary now that Mrs. Lee remain at Arlington to assume her mother's duties as mistress of the estate.

#### FOURTH QUARTER

After the death of her father, four years later, Mrs. Lee became the owner of the property.

Not for long, however, were the Lees to enjoy their beautiful home at Arlington. The dark clouds of the Civil War were soon hovering over the nation. This regrettable state of affairs was very distressing for Lee. His home was in close proximity to the capital, and he was an officer in the Federal Army.



Robert E. Lee, Adjudged One of the Greatest of Modern Soldiers and Military Strategists, Distinguished as an Educator and Notable Christian Gentleman

It was necessary for him to make a decision. Devoted as he was to his country, he was also a Virginian and attached to his native State. Many heart-rending hours of prayer and deliberation were spent in determining what course he should pursue. When his native State seceded, Lee cast his lot with the South. This fateful decision is recorded in his letter of resignation to General Scott, in which he said, "Save in defense of my native State, I never desire again to draw my sword." This was sometime in April, 1861. Shortly afterward he left Arlington, never to return. Mrs. Lee remained behind to look after the removal of her household furnishings. The advancing Federal Army caused her to leave in haste and leave behind many

of her possessions.

Ever solicitous for the welfare of her faithful servants who had been left at the mansion, Mrs. Lee dispatched a note to the commander of the Federal forces at Arlington and received a courteous reply from General McDowell, who had but recently been appointed to the post:

"Headquarters, Department Northeastern Virginia,  
Arlington, May 30, 1861.

"Mrs. R. E. Lee,

"Madam:

"Having been ordered by the Government to relieve Major General Sanford in command of this department, I had the honor to receive this morning your letter of today addressed to him at this place. With respect to the occupation of Arlington by the United States troops I beg to say it has been done by my predecessor with every regard for the preservation of the place. I am here temporarily in camp on the grounds, preferring this to sleeping in the house under the circumstances which the painful state of the country places me in with respect to these properties. I assure you it will be my earnest endeavor to have all things so ordered that on your return you will find things as little disturbed as possible.



In this I have the hearty concurrence of the courteous, kindhearted gentleman in the immediate command of the troops quartered here who lives in the lower part of the house to ensure its being respected. Everything has been done as you desire with respect to your servants, and your wishes, so far as they have been known or could have been understood, have been complied with. When you desire to return, every facility will be given you to do so. I trust, Madam, you will not consider it an intrusion when I say I have the most sincere sympathy for your distress, and so far as compatible with my duty, I shall always be ready to do whatever may alleviate it.

"I have the honor to be, very respectfully,

"Your most obedient servant,

"I. McDowell.

"P. S. I am informed it was the order of the general-in-chief of the troops on coming here should [they] have found the family in the house, that no one should enter it, but that a guard should be placed for its protection."

The Washington relics in the home were sent to the Patent Office for safety. Mrs. Lee never returned to Arlington to live, and eventually the collection was restored to George Washington Custis Lee. Washington's home at Mount Vernon received some of the articles, while others were deposited in the National Museum. Mrs. Lee had saved some of the furnishings and pictures. Part of these are at Washington and Lee University; some are the property of her descendants, and a few articles have been returned to the mansion. Eventually it is hoped that others may find their way back to their original home.

Federal troops occupied Arlington from 1861 to 1865. Following the First Battle of Manassas, or Bull Run, in July, 1861, it was used as a base hospital for the military wounded and sick.

The President of the United States in 1864 issued an executive order which placed the entire Arlington tract of 1,100 acres, more or less, in Government use for war, military, charitable, and educational purposes. The property was ordered sold for taxes and was bidden in for the United States at a price of \$26,800.

In June, 1864, the Secretary of War designated 200 acres of the estate, including the mansion, to be used as a military cemetery. The first-recorded burial, May 13, 1864, was that of Private William Christman, 67th Pennsylvania Infantry. At the present time there are 408 acres in the cemetery and approximately 58,000 are buried there. These include dead of all wars beginning with the Revolutionary War, 4,717 of them being unknown. The Tomb of the Unknown Soldier of World War I is located a short distance from the mansion.

At the close of the Civil War the troops were withdrawn from Arlington. The mansion now stood forlorn and desolate among the graves of fallen soldiers, a silent tribute to vanished glories.

General Lee died in 1870. Mrs. Lee passed away three years later. A suit was instituted by the residuary legatee, G. W. C. Lee, contesting the legality of the tax sale of Arlington Mansion and estate to the Government. The United States Circuit Court rendered a judgment in his favor. The Supreme Court of the United States, upon appeal, confirmed the decision, December 4, 1882.

The estate was then offered for sale to the United States by Mr. Lee for \$150,000. Congress in 1883 appropriated the money, and on March 31, 1883, Mr. Lee conveyed title to the United States, relinquishing all claims.

The passing years produced a growing sentiment for a memorial to Robert E. Lee. A movement to restore the old mansion to its former appearance as the home of a great American was instituted. Congress in 1925 empowered the Secretary of War to undertake the restoration of Arlington House and place it as far as possible in the same condition in which it existed just prior to the Civil War. It was desired that articles of furniture and equipment which were there in the mansion and used by its occupants be secured, if at all possible. Some replicas of furniture of that period were acquired in order



S. M. HARLAN  
Just Behind the Lee Mansion Our Visitors Discovered This Quaint Old Well. This and the Old-fashioned Kitchen Near by, Both Take Us Back to the Days of Yesteryear

that the appearance of the interior of the mansion be restored to the condition of its occupancy by the Lee family.

The work of rehabilitation was begun in 1929 by the Quartermaster Corps of the United States Army. It was the intention of the restorers to present Arlington House as a home and not as a museum.

Among the trees and across the ravine behind the mansion stood an old brick stable. A portico of columns ornamented this smaller building like those of the mansion. The original building was destroyed by fire. A similar building now replaces it and contains the offices of the cemetery.

It is hoped that someday the vegetable and flower gardens which were such a source of pride to both Mrs. Custis and Mrs. Lee will be restored.

The completed restoration was administered by the War Department until 1933. Since that time the Department of the Interior has had jurisdiction. Every visitor to Washington, D.C., should make it a point to include the Lee Mansion and Arlington National Cemetery in his list of places to visit. It cannot fail to impress one with the fact that wars are costly in human lives as well as in resources.

## EDITORIALS

### School Lunches

**W**HETHER OR NOT one believes that the increasing entrance of the Federal Government into all the things in which its citizens are concerned, whether or not he believes that more and more of what some have called paternalism and regimentation, are beneficial, he can hardly escape the conclusion that what is done is all too frequently taken simply as a reason for doing more, and that not infrequently governmental activities almost imperceptibly leave their proper sphere to enter places in which they have no right.

On June 4, President Truman signed an act to provide lunches for school children. This measure was promoted under the claim that it was needed for the general health of the children of the nation.

*America*, of June 15, says: "And this is a certainty. But another benefit accrues to the nation. When the School Lunch Act was entered upon the legislative docket, all its promissory notes were made out to the public schools and public school children. The 2,153,279 children in nonpublic primary schools and the 457,868 in nonpublic secondary schools (1940 figures) were to receive none of the Federal Government's largess. The fact that when the Act was passed recently by both houses of Congress this inequitable condition was righted, marked a decisive

victory for the American spirit of fair play. . . . The National School Lunch Act, as amended and signed by the President, is a piece of legislation worthy of the best American traditions. It reverses the policies which have been at the base of the attempt by the National Education Association, these many years, to get Federal aid for public schools and public school children exclusively. It would be well for the House and Senate committees on education, which have the Thomas-Hill-Taft Federal-Aid Bill up for action, to learn a salutary lesson in Americanism from the provisions of the School Lunch Act and amend their bill accordingly."

As our readers know, the Thomas-Hill-Taft Federal-Aid Bill authorizes that there be appropriated for the first year of its operation \$150,000,000; for the second year, \$200,000,000; and for the third and each fiscal year thereafter, the amount of \$250,000,000. The editors of *America* believe and urge that this Federal aid be given to sectarian schools the same as to public schools. If their idea should be accepted, there would be given to sectarian schools for sectarian education the money taken from all the taxpayers.

It would be a fine thing if all those who believe in the complete separation of church and state and the forbidding of the use of tax funds for sectarian purposes were half as active in the protection of great principles as some of those who hope to benefit by receiving public funds for sectarian purposes, or in urging this departure from the things that have made this nation great.

Apparently because selfish motives are so strong in the natural heart, those who hope to profit will remain more aggressive than those who merely believe in a principle. If the School Lunch Act pushes wide open the door for all sorts of demands upon the "Federal Government's largess," the cost of the Act itself will be like a drop in the bucket.

H. H. V.

### A "Liberating" Restraint?

*America*, May 4, refers editorially to a review by Father Louis Beirnaert, S.J., of the book *The Road to Serfdom*. This book has been widely read in America and has been given a large amount of critical praise by book reviewers. *America* says that "Father Beirnaert thinks that Hayek [the author of the book] misunderstands the true nature of freedom," and quotes him thus:

"It is not only the power to say 'no' to every restraint, it is also the power to say 'yes' to every duty. Altruism which is imposed on me is not thereby any the less altruism. It is my duty to accept it freely. And I cannot accept the statement, 'There is no

merit in being altruistic if we have no choice,' because restraint itself can be liberating, in helping me to choose the good."

Webster defines "altruism" as follows: "Regard for, and devotion to, the interests of others as an ethical principle;—opposed to *egoism* or *selfishness*." With the definition there is cited this quotation from the *Dictionary of Political Economy*: "Altruism is an ethical term, . . . the opposite of individualism or egoism, and embraces those moral motives which induce a man to regard the interests of others."

In the quotation from Father Beirnaert there is set forth a type of philosophy with which we can never agree. How altruism, which is "an ethical principle," can ever be "imposed" by force is past our poor mind to comprehend. Ethical and moral principles have their power not because of outside force but because of their appeal to the reason and heart of man, and because of his willing acceptance and practice of them. If Father Beirnaert cannot accept the statement, "There is no merit in being altruistic if we have no choice," we just as emphatically can never accept any statement that talks of altruism which must be accepted because one has no choice.

There is a vast difference between a free soul and a mere automaton. It is impossible to believe that God could be glorified by the outward obedience that might follow the application of force on a subject. Further, no virtue could come to the person by such means, for nothing is more clearly taught in the Word of God than that the motive and the purpose and the intent of the mind and heart are basic in determining merit. We believe that the application of the very thing Father Beirnaert talks about was the motivating power in the Inquisition.

Joshua of old understood the correct principle when, in his farewell words to Israel, he said: "Choose you this day whom ye will serve; whether the gods which your fathers served that were on the other side of the flood, or the gods of the Amorites, in whose land ye dwell: but as for me and my house, we will serve the Lord." Joshua 24:15.

H. H. V.

### Civil Penalties for Religious Offenses

IN THE MIDDLE AGES the connection between church and state was so close in many countries that church authorities ordered ecclesiastical penances for civil offenses. Now the picture has changed, and we are told by religious leaders, both Catholic and Protestant, that civil authorities are commissioned to enforce the law of God and punish violators.

Then the church undertook to control civil and religious matters directly because her power was great and the penalties she imposed included both punishment here and the threat of God's judgments for all eternity. In a period filled with superstition few folk dared to brave the wrath of the religious leaders. To be denied christening for children, to be refused burial in "consecrated" ground, to be debarred from extreme unction, to be put under an interdiction which would refuse all church blessings, were sufficient to cow all but the most hardy souls.

Now intelligent folk doubt the claims made by some churchmen, both Protestant and Catholic, and since these cannot inspire fear for the future, they seem determined to demand punishment now. They continually call for civil laws to regulate religious duties and enforce church dogmas.

With all the history of failure following such a course, we wonder at anyone's having the face to propose it again. In our darker moods we are inclined to put it down to an unregenerate heart's pride and sinful man's natural perversity. But we must not judge motives. We can, however, be sure that since men must reap what they sow, mixing politics and religion is as dangerous today as it ever was in the past, and is bound to bring forth the same evils.

H. H. V.

### Enforced Sabbath "Observance"

IN TWO OR THREE of our past issues we referred to Senator Capper's bill to provide for the stamping of the words "Observe Sunday" on first-class mail during two weeks around Easter each year. From one of the Senator's constituents, an attorney, we have a letter in which there is this paragraph:

"I feel that the said item should receive comment by you for the reason that the rules of conduct for Sunday should be observed not only on Sunday but on every other day of the week."

Evidently this correspondent has not been reading *LIBERTY* long. In the past our editors have rung about all the changes possible on this line of argument. Maybe we have become a bit self-conscious over our frequent use of it, and forgetting that our circulation has been increasing rather rapidly of late, have failed to stress the important matter our correspondent mentions. We are glad to have his letter as an excuse for saying again that as far as civil government is concerned, it has no right whatever to ask for Sunday anything that it doesn't ask for every other day in the week. The state has a right to forbid theft, but it is just as bad to steal on Friday as it is on Sunday. The state has a right

LIBERTY, 1946



to legislate against murder, but the man who is killed on Thursday is just as dead as if he were killed on Sunday. The state has a right to protect children from a cruel and inhuman father, but the children suffer just as much if beatings are administered on Monday as if they were done on Sunday. In other words, those things on which the state has any right at all to legislate, those things which belong within the sphere of civil government, are matters that are not affected in any degree by the day of the week or the time of the day.

Whatever special consideration can be claimed for Sunday must be based on religion—man's duty to his Creator. Into this realm the state has no right to enter. The idea that the civil power can enforce Sabbath observance can only be held by those who have no conception of what Sabbath observance really means. The Scriptures clearly teach that a man may refrain from all work on a given day and be guilty of Sabbathbreaking.

In Christ's day the Jews had a very stern code governing Sabbath observance. Prohibitions against bearing burdens went so far as to forbid the carrying of a handkerchief. Jesus, using their own Scriptures, showed that they were missing the entire spirit of Sabbath observance. He taught that it embraced much more than mere cessation from labor; that it entered the realm of conscience and involved the thought and intent of man's heart. Refraining from physical toil without recognizing God's claim to the day as His to be used only as He has bidden, is in no sense Sabbathkeeping.

It is trite to say that the state can never enforce true Sabbath observance, for even if it forced a citizen to sit all day with folded hands, it could never control his thoughts nor force him to render acceptable worship to the Creator. On the other hand, the Master taught that work, however arduous, that relieved the suffering of man or beast did not violate the Sabbath commandment.

Two things should never be forgotten. First, the civil power has no commission to teach religion. Senator Clapper is entirely outside his proper sphere as an official of the state when he tries to use the power of the state to advance the religious views of any group, large or small.

Second, the civil power has no right to try to enforce religion. Religion has to do with man's intents and motives, which no man can judge. The state may properly deal with overt acts where man's relations to his fellows are concerned. And as far as these are involved they are the same on every day of the week. As Dr. Johns shows in his article in this issue, and as we remark in another editorial, it is not the business of any official of the government to attempt to enforce God's law.

H. H. V.

FOURTH QUARTER

## Unity Not Always Best Policy

UNITY IN A GOOD ORGANIZATION is a very commendable trait, since united action adds strength to a good cause. Co-operation under such circumstances makes for strength and progress. But unity and co-operation in a bad cause is a bad combination which makes for retrogression instead of progress. Unity is not always a sign of progress, nor of broad-mindedness. Unity of purpose can descend into the arbitrary exercise of power and authority in both the civil and religious realms. Unless unity of purpose adheres strictly to eternal verities and right principles, it becomes an engine of destruction of all that is right and just. Often unity of purpose has selfish objectives and an ax to grind for evil designs.

Unity and co-operation, when truth is compromised and justice frustrated, are marks of retrogression and generally degenerate into acts of tyranny and intolerance. The fallacy of unity always leading to good was amply demonstrated when the totalitarian powers of Nazism and Fascism undertook to unify all people and all beliefs under one world government. The ideology of totalitarianism breeds a spirit of intolerance and arrogance.

There is a movement on foot now which aims to unify all religious sects in the things they hold in common. Catholic, Protestant, and Jewish leaders are working on the plan. The Jewish leaders say, "What makes you a good Catholic and you a good Protestant in your religious faith also makes me a good Jew." The Protestant says, "We all believe in one absolute God who rules the universe, and since we all worship the same God, why can we not all unite and co-operate with each other on the things we all hold in common?" This attitude, which for the sake of unity is accepted by some Catholic and Protestant and Jewish leaders, is fraught with grave consequences. People are taught to regard the things they hold in common as fundamental and the things upon which they differ as inconsequential. It is not always a good sign when all organizations unite in a common interest against what they consider a common foe. Such movements can become tyrannical through the mere force of their momentum when animated with the spirit of intolerance and bigotry, as large human aggregations frequently are. The mob spirit is hard to control. A mob is the very embodiment of unity, but it is also the embodiment of tyranny and violence. The rights of the minorities are often trampled under the feet of a tyrannical majority which is organized for unity of purpose.

Those who work in behalf of the cause of unity only in the things that are held in common by divergent sects frequently are tempted to style themselves as "liberals" and as "broad-minded"; whereas, those

who are unwilling to surrender their religious convictions on divergent doctrines are dubbed as "stubborn" and "narrow-minded." Often the things in which we differ are more important than the things on which we all can agree. Truth can make no progress as long as it resorts to an appeasement with error. Compromising the truth and surrendering religious convictions for the sake of unity is a program that has been tried more than once in past history, and it always has led to deplorable results.

In the early days of the American Republic there were established religions in different colonies, and it was not till the minority groups which had suffered religious persecution at the hands of the established state religions gained sufficient strength to disestablish the legal religions which had oppressed them that religious freedom for all men and all religions became a possibility in the United States. It was not the one-church plan but the divergent-church plan which made religious liberty possible in America. Religious liberty for all men and for all religions will be safe only as long as the combined minority groups outnumber any particular church organization.

God never made two things exactly alike. All men have a God-given right to dissent, and that right should be most sacredly guarded for the benefit of all mankind as well as for the sake of the truth itself. Since all human beings have selfish desires and carnal natures, the one-church, the one-state, the one-world, and the one-faith plan for all people is an impracticable and impossible scheme, and is destined to develop into a totalitarian form of government that is destructive of religious liberty and the ideals and principles upon which the American Republic is founded.

C. S. L.

### **Can a Policeman Enforce the Law of God?**

OUR ATTENTION has recently been called to a tract entitled *Catholics on the Police Force*, by Francis J. Connell, C.Ss.R. No valid objection can be raised to the general tone of exhortation given in this pamphlet. No one would want to forbid any clergyman, Catholic or Protestant, to encourage any member of his flock to faithfulness in the discharge of all his legitimate duties. Policemen have opportunities for rendering peculiarly satisfying services to their communities. It may be added that the chances for abuse of power are also great.

As a reason for writing the pamphlet we are noting the author, after referring to the fact that "a large proportion of the police in the United States, particularly in the northeastern section, are Catholics," adds:

"The moral theologians have very little to say about specific duties of a policeman. The main reason for this would seem to be that until comparatively recent times the police force as a purely civil organization was unknown. The army maintained order, and even today the police organization of the Continent partakes largely of a military character. The English system, from which the American is copied, began in 1828. Consequently, the older theologians made no mention of the moral obligations of policemen as distinct from soldiers, and modern theologians have given little attention to the subject, even though there are a considerable number of moral problems relative to the functions of a policeman which should be discussed in the light of Catholic theological principles. This pamphlet is an attempt to propose some of these problems and to suggest solutions."

After thus setting forth what he conceives to be the need for discussion of the "theological principles" underlying the work of a policeman, Father Connell continues:

"Like every practical Catholic, the policeman who is a member of the one true church should view his place in life from the supernatural aspect. The Catholic policeman should regard his office, not merely as a job that gives him a comfortable and respectable livelihood, but primarily as a deputation to protect and to enforce the law of God, which is reflected in every just civil law."

We think Father Connell has gone astray concerning theological principles. We believe that if called upon to do so we could cite many laws that cannot be called unjust, but which cannot by the widest stretch of the imagination or the most tenuous reasoning be linked directly to the law of God.

But this is not the worst of the bad teaching of this tract. The idea that civil officials of our day have the duty "to protect and enforce the law of God" is without any support in the Scriptures. The attempts to apply this doctrine have brought more persecution and resulted in more suffering than any other mistaken notion ever held by anybody in Christendom.

In the first place it is an insult to God to teach that He needs the power of the state to punish those who willfully violate His laws. Further, it is utterly impossible for man to enforce the precepts of the Decalogue since, by Christ's interpretation of them, it is clear that they go far beyond the overt acts of sin to the thoughts of the heart. Murder, according to the Bible, is more than the taking of life; it includes that hatred which may be restrained from slaying only by fear of punishment. Adultery is more than illicit intercourse; it embraces the impure thought, the bestial lust that makes the mind foul and

unclean. Covetousness may lead to theft, to the bearing of false witness, to adultery, even to murder, but the sin itself is one of the mind and may be indulged with no outward sign to reveal it. Where is the policeman, Catholic or Protestant, who can discern covetousness by the expression on the face of the sinner, or if he did, where is there a law on any man-made statute book outside of an Inquisition that names any penalty for it or authorizes civil officers to try to punish the violator?

The fact of the matter is that murder in God's eyes is sin. Before the civil law it is a crime. The same may be said of theft. Other things could be mentioned. The difference between the two is so clear that a blind man ought to be able to see it.

With all the fuzzy thinking there is about the matter, and with so many misguided religionists, Catholics and Protestants, clouding the issue, it is time for lovers of liberty to cry from the housetops, "Keep church and state separate!"

H. H. V.

### **A Misapplication of the Girouard Case**

THE EDITORS of this journal hold no prejudices toward Catholics, Protestants, or Jews. They do confess to such deep convictions concerning certain principles that neither the respect which they have for the learning and integrity of many in these classes, nor the esteem in which they hold good friends in all of them, can be accepted as either reason or excuse for silence when Catholic, Protestant, or Jewish leaders teach theories which if accepted would undo the work of the founders of our nation.

In the preceding editorial we deal with what we believe to be a dangerous doctrine set forth by a Catholic priest. Not only impartiality but the danger of the teaching itself demands that notice be taken of the leading editorial in *The Christian Statesman*, official organ of The National Reform Association, in its issue for June, 1946. The writer takes for his subject the decision of the United States Supreme Court in the Girouard naturalization case. The facts in this case are well known to our readers, and our attitude toward the question involved is equally well known. We rejoiced in Mr. Girouard's victory and believe the Court's opinion is just. But we must disagree with the doctrine which the secretary of The National Reform Association preaches, using the Girouard case as a text.

Besides saying that the decision is "profoundly significant," and "a great victory for the cause of religious liberty," he adds that it "is especially gratifying to The National Reform Association with its basic principles of the sovereignty of God over

nations, the rulership of Jesus Christ and *the supremacy of the moral laws of God in the political sphere.*" (Italics ours.)

Having met with representatives of The National Reform Association before Federal and State legislatures, where they were pressing for the passage of religious laws by "political" bodies, and having read the literature of that association for many years, we have never been impressed with either as the champion of religious liberty.

The "moral laws of God" have no such place "in the political sphere" as the National Reformers would have people believe. What the Supreme Court set forth in the Girouard case is as far away from the doctrine of the National Reformers as day is from night. This decision recognizes two spheres—one in which the state has the perfect right to function, and one into which the state has no right to enter. Many misguided religious leaders mix the two in their thinking and seek to mix them in the operation of law.

If the "moral laws of God" were recognized and obeyed individually by everyone who holds any office "in the political sphere," we would have good civil government. But if these same "moral laws of God" are ever placed on civil statute books, to be interpreted by civil judges and enforced by employees in the "political sphere," we will have the conditions which have always followed a union of church and state in the past—intolerance and persecution. The pious words of good men need to be examined lest our feelings run away with our judgment; lest the promises of a millennium on earth bring instead the Dark Ages.

Mr. Girouard is a Seventh-day Adventist. We wonder how he would fare under such a law as the National Reformers and *The Christian Statesmen* could approve. On September 28, 1887, this appeared in that journal:

"Let those who will, remember the Sabbath to keep it holy, from motives of love and obedience; the remnant must be made to do so through fear of law. We have no option."

The Sabbath that the National Reformers believe in is Sunday—not the seventh day. If someone is inclined to say that 1887 was a long time ago, let us notice a quotation from the same journal written thirty-four years later. Striking particularly at what the journal calls "the secularists," this is said:

"Amend the highest written law of the land, our Federal Constitution, so that it shall plainly proclaim the will of the Lord of nations as the rule of our national life and the standard of our national conduct in dealing with all our problems—internal and external, national and international. As that Constitution now stands, the secularist is perpetually



quoting it on his side, loudly proclaiming that there is in it nothing that warrants the Christian usages, and as loudly and persistently demanding that all these and their like shall go out of the latter that it may be brought into perfect harmony with the former. Our answer should be Never! But we will instead change the written document that it may be in perfect harmony with the unwritten and so furnish an undeniably legal basis for all we have that is Christian in our national life and character and also for more of its kind that is still needed."—*The Christian Statesman*, August, 1921.

The Supreme Court in the *Girouard* case struck a blow for religious liberty by denying the state a right to interfere in the purely religious relationship of a man with his God.

If *The Christian Statesman* represents the opinion of The National Reform Association, this organization would unite church and state—what it calls Christianity and our Federal Government—and call upon the power of the police force to compel men "through fear of law" to give obedience to religious dogma. May Heaven save us from this.

H. H. V.

## NEWS and COMMENT

### Adopting Soviet Methods

**S**PEAKING BEFORE a recent convention of the Knights of Columbus in Illinois, Bishop James A. Griffin advocated a "cordon sanitaire, under the jurisdiction of something analogous to the FBI, censoring certain kinds of news that advertise directly or indirectly Communist and Russian activities, or of news based upon their canards."

Apparently, what the bishop means is that the taxpayers of the nation should hire a group of men and women who would screen their news prior to publication. Functioning as "something analogous to the FBI," these public servants would be directed to keep from the eyes of the public news which they would prefer not to read. In this nation, of course, government cannot entrust the powers of censorship to any other agency.

As though to justify a proposal which is bound to seem strange in this land of free speech, the bishop says that it "behooves the free nations of the world to demand mutuality in their relations with Russia, or else reciprocity." If Russia won't handle news our way, he would have us abandon our own concept of free press and adopt the Soviet methods.

For our part, we can see no more reason for curbing the freedom of the press in this country just because

the Russians do so than for curbing the free exercise of religion in this country just because the Russians do that, too. The churches of the world can and should play a major role in leading us towards a day when all peoples can live together in mutual trust, understanding, respect, and peace. But surely they can do that all the better if the United States keeps its free ways as an example to all the world instead of circumscribing them in a curious effort to get even with Russia.—*The Toledo Blade*, May 15, 1946.

### Rights and Duties

**A**N ALUMNUS, attending the last commencement at Yale—his first in many years—found a change in the words used in presenting degrees. Formerly it was customary for the president in presenting a degree to say, "I admit you to all its rights and privileges." In 1946 President Seymour is reported to have said, "I remind you of its duties and admit you to its rights."

It would be a fine thing if everyone who enjoys the rights and privileges of a citizen of the United States could be often reminded that with these go responsibilities that cannot be evaded. When Jefferson spoke of unalienable rights, let it be said again, he meant that while no one could take them away, neither can one give them away. Despotism, autocratic governments may interfere with and hinder subjects in the exercise of these rights, but the truth of the Declaration of Independence cannot be changed—that we are endowed by our Creator with certain unalienable rights.

Our land would be blessed indeed if all of us frequently asked ourselves what we might give to make it even better than it is, rather than to be always seeking for benefits that may bring us prosperity at the cost of loss to others.

### The Church and Political Philosophy

**T**HE RIGHT REVEREND ANDREW J. CAMPBELL, in an address to the General Assembly of the Church of Scotland some time ago, said this:

"The Church identifies itself with no form of secular government, no type of social structure, no system of economic organization."

It would be well if every church leader were to recognize that the business of the church of God in the earth is to preach the gospel and not seek to enforce its ideas through an alliance with political powers.







## Cradle of Liberty

TO MAKE A PUBLIC SPEECH on historic Boston Common a license is required. Accordingly, Judge Charles L. Carr of the Boston Municipal Court fined five men a short while ago for speaking there without a permit. Judge Carr did this with extreme reluctance, declaring that he considered the license requirement unconstitutional, because "the right of free speech cannot be left to the caprice of a licensing officer." But the judge's hands were tied by a previous case in which the United States Supreme Court had upheld the licensing system on Boston Common. We are glad to note that the American Civil Liberties Union has decided to carry these new cases to the Supreme Court, if necessary, in an effort to get a reversal of the old decision.

The licensing system has long been used by municipalities, under the pretext of maintaining law and order, to curb one of the fundamental American liberties—the right of free speech and free assembly. A few years ago it became particularly obnoxious in Jersey City under the regime of Mayor Frank Hague, where it was used repeatedly to suppress meetings of labor, and liberal and even religious groups. The Jersey City ordinance was carried to the Supreme Court, where it was held invalid. Justice Roberts, ruling for the Court, said the use of streets and parks for public assembly "has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." But the earlier Boston decision was not overturned by the Court. It banned the denial of constitutional liberties "in the guise of regulation," but conceded the right to regulate public assembly.

The issue raised by Judge Carr in Boston is far more fundamental. It challenges the whole licensing system as a vehicle for suppression of constitutional rights. This is a subject which is discussed with much wisdom by one of America's leading authorities on the question—Prof. Zechariah Chafee, Jr., of Harvard—in his book *Free Speech in the United States*. Professor Chafee recognizes that the licensing system is based upon the theory that it is necessary to prevent disorder arising from the public expression of unpopular opinion. But he quotes from a brief submitted by a committee of the American Bar Association in the Hague case which warned that "the right to express unpopular opinions and to hold unpopular meetings is of the essence of American liberty."

Following out this philosophy, Professor Chafee contends that public authorities have the "duty to make the right of free assembly prevail over the forces of disorder if by any reasonable effort or means they can possibly do so." As an alternative

to the licensing system he cites the plan used in France before the war, under which prospective speakers were merely required to notify public authorities of their intention to speak. He points out that under this system the authorities have sufficient warning to provide any police protection needed, but do not have any censorship powers. This proposal is worth consideration. It would be far more becoming to Boston, which provided much of the spark for the American revolution, than the licensing system now prevailing.—*The Washington Post*, Wednesday, Aug. 7, 1946.

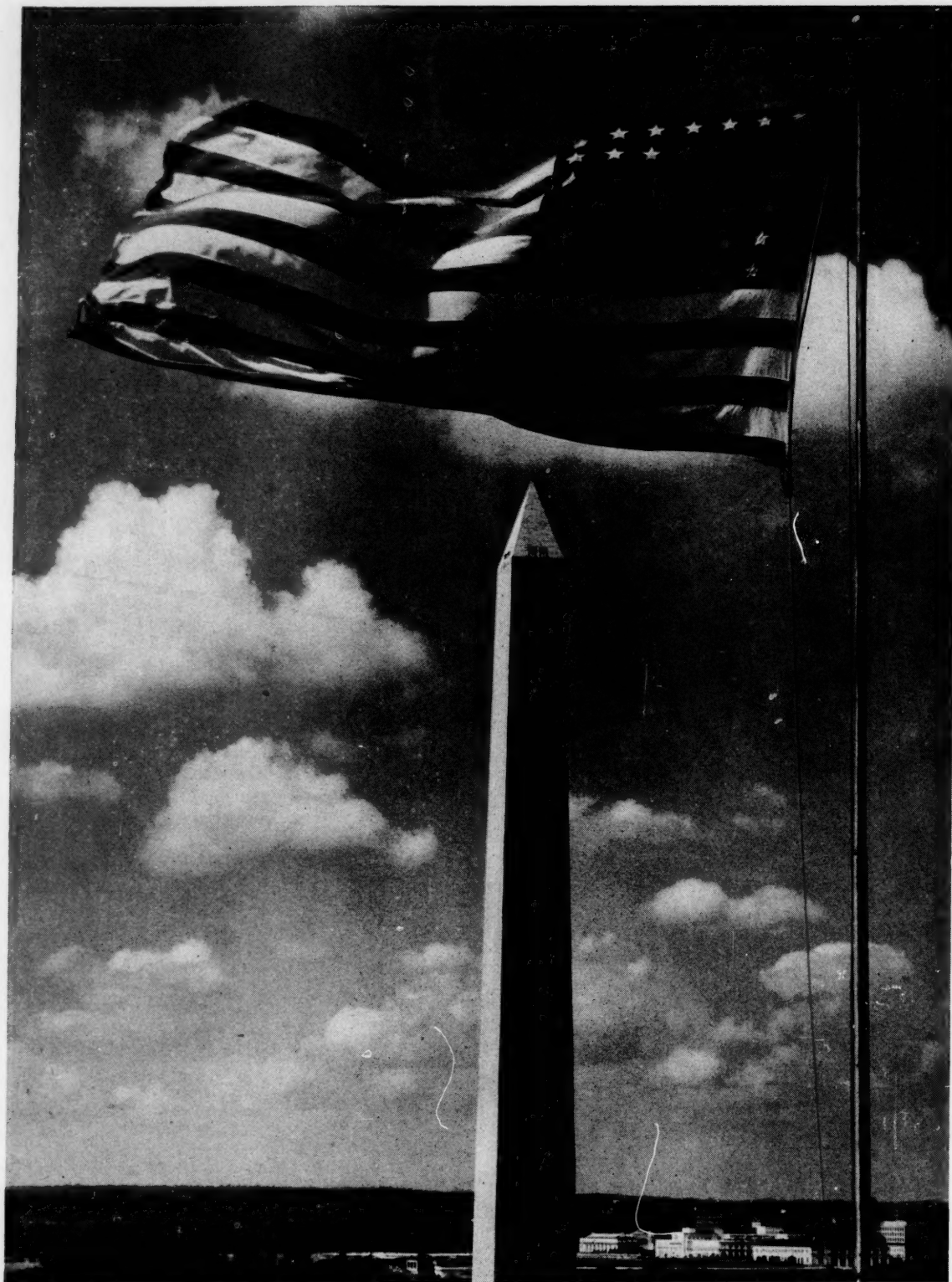
## Religious Liberty and the Near East

THE FOLLOWING STATEMENT on religious liberty made by a group who live and work in a land where not only various faiths of Christianity are found, but where Mohammedanism is strong, is well worth reprinting:

"The Near East Christian Council representing missions and churches in all Near East countries, wishes to place on record . . . its deep and sincere appreciation of the action taken by the International Missionary Council and by the Committees in America and Great Britain on Religious Liberty, to secure through the United Nations Organization, the international recognition of religious liberty as a basic and elemental right of all men in all countries. The setting up of a Commission on Human Rights within the Economic and Social Council of the United Nations Organization gives ground for hope that all nations which are members of the UNO will accept and implement these principles of religious liberty, without which there can be no real freedom and without which liberty of conscience loses its significance. What these principles are has been well summarized in the following statement, which we unanimously endorse: 'The right of individuals everywhere to religious liberty shall be recognized and, subject only to the maintenance of public order and security, shall be guaranteed against legal provisions and administrative acts which would impose political, economic, or social disabilities on grounds of religion.'

"Religious liberty shall be interpreted to include freedom of worship according to conscience and to bring up children in the faith of their parents; freedom for the individual to change his religion; freedom to preach, educate, publish, and carry on missionary activities, and freedom to organize with others, and acquire and hold property, for these purposes.' . . .

"Only if religious freedom is made a reality in the life of each nation, can freedom of thought and expression be realized, the position of minorities secured, and the peace of the world assured."



EWING GALLOWAY, N.Y.

**Beneath Waving Folds of Old Glory Appears the Distant Washington Monument. The White Buildings Are Various Government Offices. On the Left in the Distance and Among the Trees Is Located Arlington National Cemetery**



